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(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

5 CFR

213 11633

7 CFR

225 11633
730 11633
908 11633
1464 11634

PROPOSED RULES:

911 11655
1125 11655

8 CFR

103 11634
204 11635
212 11635
214 11635
238 11636
242 11636
245 11636
299 11636
316a 11636
336 11636
343b 11636
499 11637

9 CFR

76 (2 documents) 11637, 11638
310 11639
314 11639
318 11639
325 11639

12 CFR

PROPOSED RULES:

703 11672

14 CFR

39 11640
71 (8 documents) 11640–11642
97 11642
302 11643
376 11644

PROPOSED RULES:

71 (7 documents) 11668–11670
93 11670

17 CFR

270 11645

21 CFR

8 11645
121 11646

26 CFR

PROPOSED RULES:

53 11655
143 11655

33 CFR

PROPOSED RULES:

117 11667

41 CFR

9–1 11646
9–5 11646
29–3 11647

46 CFR

11 11653

49 CFR

PROPOSED RULES:

173 11670
178 11670
1056 11671

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Public Information Officer is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (6-17-71), paragraph (s) is added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(s) One Public Information Officer.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-8602 Filed 6-16-71;8:53 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1971

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year 1971, are reapportioned among the States as follows:

State	Total Apportionment
Alabama	$204,864
Alaska	8,666
Arizona	144,945
Arkansas	141,000
California	566,118
Colorado	165,871
Connecticut	115,650
Delaware	75,235
District of Columbia	104,260
Florida	546,992
Georgia	778,203
Guam	5,283
Hawaii	69,617
Idaho	39,150
Illinois	432,847
Indiana	309,205
Iowa	189,622
Kansas	94,365
Kentucky	232,384
Louisiana	648,372
Maine	93,443
Maryland	240,889
Massachusetts	223,022
Michigan	273,904
Minnesota	305,803
Mississippi	240,344
Missouri	376,033
Montana	31,358
Nebraska	85,219
Nevada	47,147
New Hampshire	74,114
New Jersey	252,685
New Mexico	122,614
New York	483,305
North Carolina	703,177
North Dakota	34,173
Ohio	555,369
Oregon	99,620
Oklahoma	261,515
Pennsylvania	231,612
Puerto Rico	221,978
Rhode Island	49,807
South Carolina	386,705
South Dakota	22,308
Tennessee	619,663
Texas	1,088,844
Utah	22,112
Vermont	50,034
Virginia	558,674
Virgin Islands	16,642
Washington	171,990
West Virginia	231,436
Wisconsin	262,339
Wyoming	27,031
Samoa, American	2,133
Trust Territory	7,892
Total	$13,347,583

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: June 11, 1971.

HOWARD P. DAVIS,
Acting Administrator.

[FR Doc.71-8537 Filed 6-16-71;8:52 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years

1971 RATE OF PENALTY

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1971 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

The Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years (32 F.R. 8666), as amended, is amended as follows:

Section 730.22 is amended by adding at the end thereof a new sentence to read as follows:

§ 730.22 Rate of penalty.

* * * The rate of penalty applicable to the 1971 crop of rice shall be 5.06 cents per pound. This is 65 per centum of the parity price as of June 15, 1971, which is determined to be 7.79 cents per pound.

(Secs. 356, 375, 52 Stat. 62 as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C. on June 11, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-8543 Filed 6-16-71;8:52 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 353]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.653 Valencia Orange Regulation 353.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part

908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 15, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 18, 1971, through June 24, 1971, are hereby fixed as follows:

(i) District 1: 156,000 cartons;
(ii) District 2: 414,000 cartons;
(iii) District 3: 30,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8663 Filed 6-16-71;11:12 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation published in 35 F.R. 10000 with respect to the tobacco price support program are hereby amended as follows:

§ 1464.2 [Amended]

1. In § 1464.2, *Availability of price support,* paragraph (d) and subparagraph (1) of paragraph (e) are amended to limit the availability of price support on Burley tobacco to 110 percent of the applicable farm marketing quota which will be determined on a poundage basis. The amended paragraph (d) reads as follows:

(d) No price support will be available on Flue-cured or Burley tobacco which exceeds 110 percent of the effective farm marketing quota for the year in which marketed.

Subparagraph (1) of paragraph (e) is amended by adding the words "and Burley tobacco" after the words "Flue-cured tobacco".

§ 1464.7 [Amended]

2. In § 1464.7, *Eligible producer,* paragraph (a) is amended to provide for eligibility of producers of any kind of tobacco for which marketing quotas have been terminated, by deleting the second sentence and substituting therefor the following sentence: "All producers of any kind of tobacco for which marketing quotas have been terminated are eligible produces during the periods for which the terminations are effective."

3. In § 1464.7, *Eligible producer,* paragraph (b) is corrected by changing "1933" to "1938".

4. In § 1464.8 paragraphs (c) and (d) are amended to require that (1) tobacco of a kind for which marketing quotas are terminated will be eligible only if the association has received a certification of nonuse of pesticides containing DDT and TDE, and (2) Burley tobacco in excess of 110 percent of the farm marketing quota for the year will not be eligible. The revised paragraphs read as follows:

§ 1464.8 Eligible tobacco.

* * * (c) if Puerto Rican tobacco, or tobacco of a kind for which marketing quotas have been terminated, is tobacco for which the association has received a certification by the producer that pesticides containing DDT and TDE, as defined in Parts 724 and 725 of this title, were not used on the tobacco in the field or after harvest; (d) if Flue-cured tobacco or Burley tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Support," and is for a number of pounds which, when added to the pounds of Flue-cured or Burley tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the effective farm marketing quota for that year; or (2) is delivered directly to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the effective farm marketing quota for that year; * * *

5. Section 1464.10 is added to suspend for the 1971 marketing season the Flue-cured tobacco discount varieties provisions of §§ 1464.3 and 1464.9. The new section reads as follows:

§ 1464.10 Suspension of provisions relating to discount varieties.

Effective only with respect to the 1971 crop, the provisions of this part relating to discount varieties of Flue-cured tobacco are suspended.

§ 1464.57 [Amended]

6. In § 1464.57, *Purchase price for tobacco,* the handling charge rate to be used in computing the purchase price for Puerto Rican tobacco is changed by deleting "$11" and substituting therefor "$12".

Effective date: Upon publication in the FEDERAL REGISTER (6–17–71).

Signed at Washington, D.C., on June 11, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-8516 Filed 6-16-71;8:50 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.1 [Amended]

The fourth sentence of paragraph (g) *Officers in charge* of § 103.1 *Delegations of authority* is amended to read as follows: "The officers in charge of the offices located in Frankfurt, Germany;

Athens, Greece; Rome, Italy; Naples, Italy; Palermo, Italy; Vienna, Austria; Manila, Philippines; Tokyo, Japan; and Hong Kong, B.C.C., are authorized to perform the following functions: Authorize waivers of grounds of excludability under sections 212 (h) and (i) of the Act; adjudicate applications for permission to reapply for admission to the United States after deportation or removal if filed by an applicant for an immigrant visa in conjunction with an application for waiver of grounds of excludability under section 212 (h) or (i) of the Act, or if filed by an applicant for a nonimmigrant visa under section 101(a)(15)(K) of the Act; approve visa petitions for any immediate relative or preference status except third and sixth preferences; in cases in which the Department of State had delegated recommending power to the consular officer, approve recommendations made by consular officers for waiver of grounds of excludability in behalf of nonimmigrant visa applicants under section 212(d)(3) of the Act and concur in proposed waivers by consular officers of the requirement of visa or passport by a nonimmigrant on the basis of unforeseen emergency; exercise discretion to grant applications for the benefits of sections 211 and 212(c) of the Act; process Form I-90 applications and deliver duplicate Form I-151; extend reentry permits; and process Form N-565 applications and deliver certificates issued thereunder."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Paragraph (c) of § 204.4 is amended to read as follows:

§ 204.4 Validity of approved petitions.

* * * * *

(c) *Subsequent petition by same petitioner for same beneficiary.* When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved for the same preference classification in behalf of the same beneficiary, the latter approval shall be regarded as a reaffirmation or reinstatement of the validity of the original petition.

* * * * *

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Section 212.2 is amended to read as follows:

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.

(a) *Alien applying to consular officer for nonimmigrant visa or nonresident border crossing card.* Permission to reapply for admission to the United States after deportation or removal for an alien who is applying or will apply to a consular officer for a nonimmigrant visa or a nonresident border crossing card shall be requested through the consular officer and may be granted only in accordance with section 212(d)(3)(A) of the Act and § 212.4. However, the alien may apply for such permission on Form I-212 submitted to the consular officer, if the consular officer is willing to accept such application and if that officer, in forwarding Form I-212 for decision to the district director having jurisdiction over the place where the deportation or removal proceedings were held, recommends to the district director that the alien be permitted to apply on Form I-212.

(b) *Applicant for nonimmigrant visa under section 101(a)(15)(K) of the Act.* Notwithstanding the provisions of paragraph (a) of this section, an applicant for a nonimmigrant visa under section 101(a)(15)(K) of the Act who is the beneficiary of a valid visa petition approved by the Service to accord classification under that section shall apply for permission to reapply for admission to the United States after deportation or removal by submitting Form I-212 to the consular officer. The consular officer will forward the Form I-212 to the Service officer having jurisdiction over the area within which the consular officer is located. If the alien is ineligible on grounds which may be waived under section 212 (g), (h), or (i) of the Act upon the applicant's marriage to the U.S. citizen petitioner, the consular officer will also forward his recommendation whether the benefits of section 212(d)(3)(A) of the Act shall be accorded to authorize the applicant's temporary admission to the United States despite those grounds.

(c) *Applicant for immigrant visa.* An applicant for an immigrant visa applying for permission to reapply shall file Form I-212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held, except that when Form I-212 is filed in conjunction with a request for a waiver under section 212 (g), (h), or (i) of the Act, the Form I-212 and the application for the waiver shall be filed simultaneously with the American consul who will forward it to the appropriate Service officer abroad having jurisdiction over the area within which the consul is located.

(d) *Applicant for adjustment of status.* An applicant for adjustment of status under section 245 of the Act and Part 245 of this chapter applying for permission to reapply in conjunction with his application for adjustment of status shall file Form I-212 with the district director having jurisdiction over the place where the alien resides. If the application under section 245 of the Act has been initiated, renewed, or is pending in a proceeding before a special inquiry officer, the district director shall refer the Form I-212 to the special inquiry officer for adjudication.

(e) *Applicant for admission at port of entry.* Permission to reapply for admission to the United States after deportation or removal for an alien seeking admission at a port of entry shall be requested by such alien by filing Form I-192 with the district director having jurisdiction over the port of entry if the alien is seeking temporary admission, or Form I-212 if the alien is seeking lawful admission for permanent residence. However, the district director may in his discretion authorize an alien seeking temporary admission at a port of entry to apply on Form I-212 for permission to reapply after deportation or removal.

(f) *Other applicants.* An applicant for permission to reapply for admission under circumstances other than those described in paragraphs (a), (b), (c), (d), or (e) of this section shall file Form I-212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held.

(g) *Decision.* An applicant who has submitted Form I-212 shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. Denial of the application, except in the case of an applicant seeking to be granted advance permission to reapply for admission prior to his departure from the United States, shall be without prejudice to the renewal of the application in the course of proceedings before a special inquiry officer under section 242 of the Act and this chapter.

(h) *Retroactive approval.* The approval of a Form I-212 application filed by an alien seeking admission to the United States at a port of entry, or by an alien in conjunction with an application for adjustment of status under section 245 of the Act, shall be considered as retroactive to the date on which the alien embarked or reembarked at a place outside the United States or attempted to be admitted from foreign contiguous territory.

(i) *Advance approval.* The approval of an application filed by an alien whose departure will execute an order of deportation shall be conditioned upon his departure from the United States; otherwise, the approval shall not be conditioned or limited. However, the grant of permission to reapply does not waive inadmissibility under section 212(a)(16) or (17) of the Act resulting from exclusion, deportation, or removal proceedings which are instituted subsequent to the date permission to reapply is granted.

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

1. Paragraph (k) *Fiancees and fiances of U.S. citizens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof reading as follows: "The approval of any petition is automatically terminated when the petitioner dies or

files a written withdrawal of the petition before the beneficiary arrives in the United States."

§ 214.3 [Amended]

2. The sixth sentence of paragraph (b) *Supporting documents* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof, or by a school listed in the current U.S. Office of Education publication, 'Education Directory, Higher Education,' or by a secondary school operated by or as part of a school so listed, a school catalogue, if one is issued, shall also be submitted with each petition."

3. The first sentence of paragraph (c) *Consultation with U.S. Office of Education* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "The U.S. Office of Education has been consulted by the Service and has advised that each of the following is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses: (1) A school (or school system) owned or operated as a public educational institution by the United States or a State or political subdivision thereof; (2) a school listed in the current U.S. Office of Education publication, 'Education Directory, Higher Education;' or (3) a secondary school operated by or as part of an institution of higher learning listed in the current U.S. Office of Education publication, 'Education Directory, Higher Education.'"

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

1. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Dan-Air Services Limited and "Hapag/Lloyd A.G./North German Lloyd Passenger Agency, Inc."

2. The name of the transportation line "North German Lloyd Passenger Agency, Inc." listed in paragraph (b) *Signatory lines of* § 238.3 *Aliens in immediate and continuous transit* is amended to read as follows: "North German Lloyd Passenger Agency, Inc. (see Hapag/Lloyd A.G./North German Lloyd Passenger Agency, Inc.)."

3. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by deleting the transportation line "Air Canada."

§ 238.4 [Amended]

4. The listing of transportation lines under "At Bermuda" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "American Airlines, Inc. (Charter Flights only)."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.1 [Amended]

The last sentence of paragraph (a) *Commencement* of § 242.1 *Order to show cause and notice of hearing* is amended to read as follows: "Orders to show cause may be issued by district directors, acting district directors, deputy district directors, and officers in charge at Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Milwaukee, Wis.; Pittsburgh, Pa.; Providence, R.I.; San Diego, Calif.; Salt Lake City, Utah; St. Louis, Mo.; Spokane, Wash."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amended]

The fourth sentence of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* is amended to read as follows: "The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, whichever is the earliest: (1) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which Form I-485 is filed if the applicant establishes that he is a member of a profession or a person with exceptional ability in the sciences or arts not included in Schedule A (29 CFR Part 60) provided a certification is issued on that basis, or that he is within the Department of Labor's Schedule A (29 CFR Part 60), or that the provisions of section 212(a)(14) of the Act do not apply to him; or (3) the date on which an approved valid third or sixth preference visa petition in his behalf was filed; or (4) the date an application for certification based on a job offer was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued."

PART 299—IMMIGRATION FORMS

The introductory material to § 299.1 is amended to read as follows:

§ 299.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of Subchapter A of this chapter and this Subchapter B. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

* * * * *

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

1. The American institution of research "Department of French, and Department of Scandinavian Languages of the University of California, Berkeley, Calif." of § 316a.2 *American institutions of research* is amended to read as follows: "Department of French, Department of Scandinavian Languages, and Department of Near Eastern Languages of the University of California, Berkeley, Calif."

2. The listing of American institutions of research of § 316a.2 *American institutions of research* is amended by adding the following institution of research in alphabetical sequence reading as follows: "Pierce College (in relationship to research by an instructor, Department of Psychology), Athens, Greece."

§ 316a.4 [Amended]

3. The listing of public international organizations in § 316a.4 *International Organizations Immunities Act designations* is amended by adding the following organization in alphabetical sequence: "Customs Cooperation Council (E.O. 11596, June 5, 1971)."

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Section 336.16a is amended to read as follows:

§ 336.16a Final hearing; execution of questionnaire.

Immediately prior to the commencement of the final hearing, each person filing a petition for naturalization in his own behalf shall execute the questionnaire on Form N-445; or, if such person is filing a petition for naturalization in behalf of a child pursuant to section 322 or 323 of the Immigration and Nationality Act, said child being 13 years of age or older on the date of the final hearing, such person shall execute the questionnaire on Form N-445B.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

§ 343b.11 [Amended]

The last sentence of paragraph (a) *Issuance of certificate* of § 343b.11 *Disposition of application* is amended to read as follows: "The district director shall forward the original certificate by letter, in triplicate, to the Secretary of State, Attention: Foreign Operations Division, Passport Office, Department of State, Washington, D.C. 20520; forward the application and the duplicate certificate to the official Service file, and send Form N-568 to the applicant."

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

1. The introductory material to § 499.1 *Prescribed forms* is amended to read as follows:

The forms listed below are hereby prescribed for use in compliance with the provisions of this Subchapter C. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

2. The listing of forms in § 499.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
N-445B (3-1-71)	Notice to Petitioner To Appear in Court for Final Hearing of Petition for Naturalization Filed in Behalf of His Natural or Adopted Child, and Questionnaire To Be Submitted by Petitioner at the Final Hearing.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (6-17-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(g), 212.2, 214.2(k), 299.1, 336.16a, and 499.1 relate to agency procedure; the amendment to § 204.4(c) is clarifying in nature; the amendments to §§ 214.3 (b) and (c), 242.1(a), and 343b.11(a) are editorial in nature; the amendments to §§ 238.3(b) and 238.4 add transportation lines to the listings, amend a listing, and delete a listing; the amendment to § 245.1(g) confer benefits upon persons affected thereby; the amendments to § 316a.2 add American institutions of research to the listing; and the amendment to § 316a.4 adds an international organization to the listing.

Dated: June 11, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-8514 Filed 6-16-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-574]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (5) relating to the State of Texas is amended to read:

(5) *Texas.* (i) All of Eastland, Galveston, Harris, Parker and Tom Green Counties.

(ii) The adjacent portions of Tarrant and Johnson Counties bounded by a line beginning at the junction of the Tarrant-Johnson County line and Interstate Highway 35W; thence, following Interstate Highway 35W in a northerly direction to State Highway 121; thence, following State Highway 121 in a northeasterly direction to the junction of the Tarrant-Denton-Dallas County lines; thence, following the Tarrant-Dallas County line in a southerly direction to the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Tarrant-Ellis County line in a westerly direction to the junction of the Tarrant-Johnson-Ellis County lines; thence, following the Johnson-Ellis County line in a southerly direction to U.S. Highway 67 in Johnson County; thence, following U.S. Highway 67 in a southwesterly direction to Interstate Highway 35W; thence, following Interstate Highway 35W in a northwesterly direction to its junction with the Tarrant-Johnson County line.

(iii) That portion of the State of Texas comprised of all of Williamson and Bell Counties and the adjacent portion of Coryell County, and bounded by a line beginning at the junction of the Bell-Falls-Milam County lines; thence, following the Bell-Milam County line in a southwesterly direction to the junction of the Bell-Milam-Williamson County lines; thence, following the Milam-Williamson County line in a southeasterly direction to the junction of the Miliam-Williamson-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the junction of the Williamson-Lee-Bastrop County lines; thence, following the William-Bastrop County line in a northwesterly direction to the junction of the Williamson-Bastrop-Travis County lines; thence, following the Williamson-Travis County line in a generally northwesterly direction to the junction of the Williamson-Travis-Burnet County lines; thence, following the Williamson-Burnet County line in a northeasterly direction to the junction of the Williamson-Burnet-Bell County lines; thence, following the Burnet-Bell County line in a northwesterly direction to the junction of the Burnet-Bell-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the junction of the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Coryell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84; thence, following U.S. Highway 84 in a westerly direction to the Coryell-Hamilton County line; thence, following the Coryell-Hamilton County line in a northeasterly direction to the junction of the Coryell-Hamilton-Bosque County lines; thence, following the Coryell-Bosque County line in a northeasterly and then southeasterly direction to the junction of the Coryell-Bosque-McLennan County lines; thence, following the Coryell-McLennan County line in a southeasterly direction the junction of the Coryell-McLennan-Bell County lines; thence, following the McLennan-Bell County line in a southeasterly and then northeasterly direction to the junction of the McLennan-Bell-Falls County lines; thence, following the Bell-Falls County line in a southeasterly direction to the junction of the Bell-Falls-Miliam County lines.

(iv) That portion of Potter County bounded by a line beginning at the junction of the Potter-Oldham County line and the south bank of the Canadian River; thence, following the south bank of the Canadian River in a generally northeasterly direction to the south bank of Lake Meredith; thence, following the south bank of Lake Meredith in a generally northeasterly direction to the Potter-Moore County line; thence, following the Potter-Moore County line in an easterly direction to the junction of the Potter-Moore-Carson County lines; thence, following the Potter-Carson County line in a southerly direction to the junction of the Potter-Carson-Armstrong-Randall County lines; thence, following the Potter-Randall County line in a westerly direction to the junction of the Potter-Randall-Oldham County lines; thence, following the Potter-Oldham County line in a northerly direction to its junction with the south bank of the Canadian River.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264-1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes all of Callahan, Montgomery, Bosque, Ellis, Hill, and McLennan Counties and a portion of Johnson County in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Callahan, Montgomery, Bosque, Ellis, Hill, or

McLennan Counties in Texas remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-8542 Filed 6-16-71;8:52 am]

[Docket No. 71-575]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding thereto the name of the State of Illinois; paragraph (f) is amended by deleting the name of the State of Illinois; and a new paragraph (e) (8) relating to the State of Illinois is added to read:

(8) *Illinois.* (i) That portion of Mercer County comprised of North Henderson township.

(ii) That portion of Warren County comprised of Kelly township.

(iii) That portion of Knox County comprised of Henderson and Rio townships.

2. In § 76.2, in paragraph (e) (4) relating to the State of North Carolina, subdivision (ii) relating to Bladen and Pender Counties is deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264-1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Mercer, Warren, and Knox Counties in Illinois because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such Counties.

The amendments exclude portions of Bladen and Pender Counties in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Bladen or Pender Counties in North Carolina remain under the quarantine.

The amendments delete Illinois from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Illinois.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-8540 Filed 6-16-71;8:52 am]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

LIVESTOCK LUNGS

Statement of considerations. On December 31, 1969, there was published in the FEDERAL REGISTER (34 F.R. 20433; F.R. Doc. 69-15411) a proposal concerning inspection and disposal of lungs of livestock at federally inspected livestock slaughtering establishments and the distribution of livestock lungs under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.). It was proposed to amend § 310.17 of the Federal meat inspection regulations (9 CFR Part 310), and to add a new § 325.18 to Part 325 of said regulations (9 CFR Part 325).

A majority of comments received concerning the proposal consisted of requests for language clarification and for a provision to allow saving and distribution of undenatured lungs for pharmaceutical purposes. These requests are deemed valid and the necessary changes have been made in the amendments hereinafter adopted.

The proposal was based on a study made by the Department of Agriculture indicating that lungs of livestock were not fit for human food. Certain interested parties expressed doubt that the original lung study contained sufficient evidence to warrant declaring calf and sheep lungs as unfit for human food. Since the original study was, in fact, conducted primarily on cattle lungs, a special study was completed on calf and sheep lungs before this document was prepared for final publication. The special study substantiated the findings of the original study and warrants the conclusion that lungs from all livestock should not be used for human food purposes.

After consideration of all relevant comments presented by interested persons, and all other relevant matters, including the considerations set forth in the notice of December 31, 1969, the amendments as proposed in said notice are hereby adopted, subject to the following changes:

1. In order to conform to the pattern of numbering of sections in the revised Federal meat inspection regulations (35 F.R. 15552), proposed § 310.17 is adopted, with changes noted below, as § 310.16, and proposed § 325.18 is adopted, with changes noted below, as § 325.8; in renumbered §§ 310.16 and 325.8, references to "§ 314.4" are changed to refer to "§ 314.3"; in renumbered § 310.16, the reference to "§ 325.18" is changed to refer to "§ 325.8"; and in renumbered § 325.8, the references to "§ 310.17(b)" are changed to refer to "§ 310.16(b)".

2. In renumbered § 325.8, the word "Specie" is changed to "Species" in paragraph (a) (i) (iii) and the word "Official" is changed to "official" in paragraph (a) (3) (ii), to correct typographical errors.

3. In renumbered § 310.16, the phrase "chemical, biological, or other extraneous material" is deleted and the phrase "chemical or biological residue" is substituted therefor, to clarify the intent.

4. In renumbered § 310.16, paragraph (c) is changed to read as hereinafter set forth, in order to provide for the saving and distribution of undenatured lungs and lung lobes for pharmaceutical purposes.

5. In renumbered § 325.8, clarifying language is added to limit distribution

of lungs thereunder to distribution for nonhuman food purposes.

6. The proposed amendments of renumbered §§ 310.16 and 325.8, with the changes hereinbefore noted, are supplemented by amendments to §§ 318.1 (b) and 318.12(a), as hereinafter set forth, to clarify the status of livestock lungs under these sections, and by the amendment of § 314.11 to exclude detached lungs from authorization for movement under that section.

Therefore, under the authority of section 21 of the Federal Meat Inspection Act (21 U.S.C. 621), § 310.16 of the Federal meat inspection regulations (35 F.R. 15568) is amended and a new § 325.8 is added to said regulations to read, respectively, as hereinafter set forth. Further, supplemental amendments are made in Parts 318 and 314 of the regulations.

PART 310—POST-MORTEM INSPECTION

1. Section 310.16 is amended to read as follows:

§ 310.16 Disposition of lungs.

(a) Livestock lungs shall not be saved for use as human food.

(b) Lungs found to be affected with disease or pathology and lungs found to be adulterated with chemical or biological residue shall be condemned and identified as "U.S. Inspected and Condemned." Condemned lungs may not be saved for pet food or other nonhuman food purposes. They shall be maintained under inspectional control and disposed of in accordance with §§ 314.1 and 314.3 of this subchapter.

(c) Lungs not condemned under paragraph (b) of this section may be used in the preparation of pet food or for other nonhuman food purposes at the official establishment, provided they are handled in the manner prescribed in § 318.12 of this subchapter, or they may be distributed from the establishment in commerce, or otherwise, in accordance with the conditions prescribed in § 325.8 of this subchapter for nonhuman food purposes or they may be so distributed to pharmaceutical manufacturers for pharmaceutical use in accordance with §§ 314.9 and 325.19(b) of this subchapter, if they are labeled as "Inedible [SPECIES] Lungs—for Pharmaceutical Use Only." Otherwise, they shall be disposed of at the official establishment, in accordance with §§ 314.1 and 314.3 of this subchapter.

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

2. The second sentence of § 314.11 is amended to read as follows:

§ 314.11 Handling of certain condemned products for purposes other than human food.

* * * This provision also applies to unborn calves and to products such as paunches and udders when they have not been handled as required under this subchapter for products for human food purposes; provided, such articles have not been condemned for other pathological reasons. * * *

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

3. The following sentence is added at the end of § 318.1(g):

§ 318.1 Products and other articles entering official establishments.

* * * * *

(g) * * * Lungs and lung lobes derived from livestock slaughtered in any establishment may not be brought into any official establishment except as provided in § 318.12(a).

* * * * *

4. The seventh sentence of § 318.12(a) is amended to read as follows:

§ 318.12 Manufacture of dog food or similar uninspected article at official establishments.

(a) * * * Products within § 314.11 of this subchapter or parts of carcasses of kinds not permitted under the regulations in this subchapter to be prepared for human food (e.g., lungs or intestines), which are produced at any official establishment, may be brought into the inedible products department of any official establishment for use in uninspected articles under this section. * * *

* * * * *

PART 325—TRANSPORTATION

5. A new § 325.8 is added to read as follows:

§ 325.8 Transportation of certain undenatured lungs or lung lobes from official establishments or in commerce; provisions and restrictions.

(a) (1) Lungs or lung lobes, other than those condemned under § 310.16(b) of this subchapter, that are prepared at any official establishment may be transported from the establishment, in "commerce" or otherwise, without denaturing as prescribed in § 314.1 or § 314.3 of this subchapter, provided:

(i) The lungs or lung lobes are transported under permit from the appropriate Officer in Charge, as prescribed in subparagraph (2) of this paragraph, directly to a manufacturer of animal food, for use in manufacturing animal food, or directly to a zoo, mink farm, or other establishment for use as animal food without further manufacturing, or directly to a warehouse in the United States for storage for subsequent movement, as prescribed in paragraph (b) of this section, directly to such a manufacturer or establishment in the United States, or for export, for nonhuman food purposes:

(ii) A shipper's certificate as prescribed in subparagraph (3) (i) of this paragraph is executed, in quadruplicate, by the operator of the official establishment, for each shipment of undenatured lungs or lung lobes from the establishment, and the original of the certificate is delivered to the Program inspector at the official establishment before the shipment is made, and the copies of the certificate are distributed as prescribed in subparagraph (3) (ii) of this paragraph;

(iii) The boxes or other containers used for shipping the undenatured lungs or lung lobes are closed and taped with nylon filament tape or strapped with metal straps and the containers are permanently identified in 2-inch lettering with the statement "[SPECIES] Lungs—Not for Human Consumption." In addition, the number of the permit prescribed in subdivision (i) of this subparagraph must appear on each container.

(2) A permit to ship undenatured lungs or lung lobes, as required by subparagraph (1) of this paragraph, will be issued upon application by the operator of an official establishment if the Officer in Charge determines that the application satisfies the requirements of this section, and that such lungs will be handled in a sanitary manner at the official establishment. Any such permit shall be canceled by the Officer in Charge whenever he determines, after notice and opportunity to present views is afforded to the permittee, that the permittee has shipped any undenatured lungs or lung lobes without compliance with the restrictions of this section or that such articles shipped from the official establishment in accordance with such restrictions were subsequently not handled in accordance therewith, and that such cancellation is necessary to prevent further violations.

(3) (i) The shipper's certificate required by subparagraph (1) of this paragraph shall be in the following form:

SHIPMENT FROM AN OFFICIAL ESTABLISHMENT OF UNDENATURED LUNGS OR LUNG LOBES FOR ANIMAL FOOD

I hereby certify that the undenatured lungs or lung lobes described below were prepared at _____ (Name of official establishment) (Establishment No.) at _____ (Address) and are consigned to the animal food manufacturer, other person, or warehouse identified below, for use as, or in the manufacture of, animal food, or for storage for subsequent movement to such a manufacturer or person or for export, for use as, or in the manufacture of, animal food and are not intended for human food.

Consignee's Name and Address:

_____

_____

_____

Permit No. _____

Quantity:

(a) Number and kind of containers _____

(b) Total weight _____

_____

(Signature and name and title of representative of operator of official establishment)

_____

(Date)

I hereby acknowledge receipt on _____ (Date) of the described articles.

_____

(Signature and name and title of representative of consignee)

(ii) One copy of the certificate shall be retained by the operator of the official establishment in accordance with this subchapter and two copies shall be sent to the consignee of the shipment. The consignee shall, on both copies, execute his acknowledgment of receipt of the shipment and state the date such shipment was received; send one copy of the signed certificate to the Program inspector in charge of the official establishment from which shipment was made, and retain one copy in his records in accordance with this subchapter. The Program inspector in charge shall retain the copy of the signed receipt of shipment in the official establishment Program file.

(b) (1) Lungs or lung lobes not within § 310.16(b) of this subchapter, that are prepared at an official establishment and are not denatured as prescribed in § 314.1 or § 314.3 of this subchapter, may be transported from the warehouse in which they have been stored, as provided in paragraph (a) (1) (i) of this section, provided:

(i) Such lungs or lung lobes are transported, under permit from the appropriate Officer in Charge, as prescribed in paragraph (a) (2) of this section, from a warehouse where they were stored as provided in paragraph (a) of this section, directly to an animal food manufacturer for use in manufacturing animal food; or directly to a zoo, mink farm, or other establishment for use as animal food without further manufacturing; or in the course of direct exportation to a foreign country for use as, or in the manufacture of, animal feed;

(ii) A shipper's certificate as prescribed in subparagraph (2) of this paragraph is executed by the warehouse operator for each lot so transported;

(iii) The boxes or other containers of such products are closed, taped and identified as required in paragraph (a) (3) (ii) of this section.

(2) (i) The shipper's certificate required by subparagraph (1) (ii) of this paragraph shall be in the following form:

SHIPMENT FROM WAREHOUSE OF UNDENATURED LUNGS OR LUNG LOBES FOR ANIMAL FOOD

I hereby certify that the undenatured lungs or lung lobes described below were stored at _____, at _____
(Name of warehouse)
_____, and are consigned to
(Address)
the animal food manufacturer, other persons, or warehouse identified below, for use as, or in the manufacture of, animal food, or for storage for subsequent movement to such a manufacturer or person or for export, for use as, or in the manufacture of, animal food and are not intended for human food.

Consignee's Name and Address:

_____
_____
_____

Permit No._____
Quantity:
(a) Number and kind of containers_____
_____
(b) Total weight_____
_____

(Signature and name and title of representative of operator of warehouse)

_____
(Date)

I hereby acknowledge receipt on_____
(Date)
of the above described articles.

_____
(Signature and name and title of representative of consignee)

(ii) One copy of the shipper's certificate shall be retained by the operator of the warehouse in accordance with this subchapter; one copy shall be forwarded by the warehouse operator to the Program inspector in charge of the official establishment in which the lungs or lung lobes were originally prepared; and two copies shall be sent by the warehouse operator to the consignee of the shipment. The consignee shall, on both copies, execute his acknowledgment of receipt of the shipment and state the date such shipment was received. The consignee shall send one copy of the receipted certificate to the Program inspector in charge of the official establishment in which the shipment was originally prepared and shall retain one copy in his records in accordance with this subchapter. The Program inspector in charge of the originating official establishment shall file the receipted copy as an attachment with the original copy received when the original shipment was shipped to the warehouse for storage.

The changes reflected in the foregoing amendments from the provisions set forth in the notice of rulemaking were made pursuant to comments received from interested persons in connection with the rulemaking proceeding or are made for clarity and consistency in the regulations. It does not appear that further public participation in this rulemaking proceeding with respect to the changes would make additional information available to the Department.

Insofar as the amendment relieves restrictions, it should be made effective as soon as possible in order to be of maximum benefit to affected persons. Insofar as it imposes restrictions, it should be made effective promptly to effectuate the purposes of the Federal Meat Inspection Act.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further rulemaking procedures are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER. The amendments shall become effective upon their publication in the FEDERAL REGISTER (6-17-71).

Done at Washington, D.C., on June 9, 1971.

CLAYTON YEUTTER,
Administrator,
Consumer and Marketing Service.

[FR Doc.71-8515 Filed 6-16-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-11-AD; Amdt. 39-1214]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

Correction

In F.R. Doc. 71-7058 appearing on page 9241 in the issue of Friday, May 21, 1971, the last two lines of paragraph (B) in the third column should appear as the third and fourth lines of paragraph (A) at the bottom of the center column.

[Airspace Docket No. 71-CE-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

On March 31, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5918) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate to VOR Federal Airway No. 88 via the Forney (AAF), Mo., VOR.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows: In V-88, all after "261° radials;" is deleted and "Springfield; Vichy, Mo., including a south alternate from INT Springfield 058° and Forney (AAF), Mo., 266° radials; Forney (AAF), INT Forney (AAF) 046° and Vichy 216° radials; INT Vichy 091° and St. Louis, Mo., 171° radials." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 11, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-8497 Filed 6-16-71;8:48 am]

[Airspace Docket No. 71-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On April 14, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7072) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 1 between Kinston, N.C., and Norfolk, Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 71.123 (36 F.R. 2010) V-1 is amended by deleting "Norfolk, Va.;" and substituting "Norfolk, Va., including an east alternate segment from Kinston to Norfolk via the intersection of Kinston 050° and Norfolk 209° radials;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 11, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-8498 Filed 6-16-71;8:48 am]

[Airspace Docket No. 71-CE-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On April 14, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7072) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter V-233 and V-420.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

1. In V-233 "to Traverse City, Mich." is deleted and "INT Mount Pleasant 351° and Gaylord, Mich., 206° radials; Gaylord; Pellston, Mich." is substituted therefor.

2. V-420 is amended to read:

V-420 From Green Bay, Wis.; Traverse City, Mich.; Mount Pleasant, Mich.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 10, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-8499 Filed 6-16-71;8:48 am]

[Airspace Docket No. 71-EA-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Newburgh, N.Y. control zone (36 F.R. 2110).

This amendment will permit the change of hours of operation of the control zone by publication in NOTAM's. It is further required for purposes of greater accuracy that the control zone extension bearing be changed by 1° from 078° to 079°.

Since the foregoing is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Newburgh, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER (6-17-71) as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Newburgh, N.Y., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center (41°30'05" N., 74°05'45" W.) of Stewart Airport, Newburgh, N.Y., and within 2.5 miles each side of the 079° bearing from the Stewart RBN (41°29'09" N., 74°13'44" W.) extending from the 5-mile-radius zone to the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 4, 1971.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-8501 Filed 6-16-71;8:48 am]

[Airspace Docket No. 71-EA-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to publish a rule which will alter the Syracuse, N.Y. control zone (36 F.R. 2130) and transition area (36 F.R. 2281).

The Clarence E. Hancock Airport, Syracuse, N.Y., was recently renamed the Syracuse Hancock International Airport. The Syracuse, N.Y., control zone and transition area are described, in part, by reference to the Clarence E. Hancock Airport. This amendment reflects the change of name.

Since this rule is editorial in nature and no additional burden is imposed on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Syracuse, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER (6-17-71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Syracuse, N.Y., control zone by substituting, "Syracuse Hancock International Airport" wherever "Clarence E. Hancock Airport" appears in the text.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Syracuse, N.Y., 700-foot-floor transition area by substituting, "Syracuse Hancock International Airport" wherever "Clarence E. Hancock Airport" appears in the text.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 4, 1971.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-8500 Filed 6-16-71;8:48 am]

[Airspace Docket No. 71-SO-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On April 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7864), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that

would designate the McComb, Miss., control zone and alter the McComb, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zone is added:

McComb, Miss.

Within a 5-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'03" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 5-mile-radius zone to the VORTAC.

In § 71.181 (36 F.R. 2140), the McComb, Miss., transition area is amended to read:

McComb, Miss.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McComb-Pike County Airport (lat. 31°10'-35" N., long. 90°28'03" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 9, 1971.

W. B. Rucker,
Acting Director, Southern Region.

[FR Doc.71-8502 Filed 6-16-71;8:48 am]

[Airspace Docket No. 71-SO-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 27, 1971, a notice of proposed rule making was published in the Federal Register (36 F.R. 7864), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tullahoma, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the final approach radial for VOR-RWY-32 Instrument Approach Procedure was refined to the 136° radial. It is necessary to alter the transition area description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Tullahoma, Tenn., transition area is amended as follows: "* * * southwest of the VOR." is deleted and * * * southwest of the VOR; within a 7-mile radius of William Northern Field (lat 35°23'00" N., long. 86°14'30" W.); within 3 miles each side of Shelbyville VOR 136° radial, extending from the 7-mile-radius area to 8.5 miles southeast of Arnold VOR 226° radial; excluding the portion within Shelbyville transition area." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 9, 1971.

W. B. Rucker,
Acting Director, Southern Region.

[FR Doc.71-8503 Filed 6-16-71;8:49 am]

[Airspace Docket No. 71-SO-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Starkville, Miss., transition area.

The Starkville transition area is described in § 71.181 (36 F.R. 2140). In the description, an extension predicated on the Columbus VORTAC 260° radial has a designated width of 14 miles and extends to 42 miles west of the VORTAC. The procedure turn altitude of VOR DME-A Instrument Approach Procedure has been raised to 2,800 feet MSL, which permits a reduction to this extension of 4 miles in width and 9 miles in length. It is necessary to alter the description to reflect this change. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Starkville, Miss., transition area is amended to read:

Starkville, Miss.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (lat. 33°26'00" N., long. 88°50'45" W.); within 5 miles each side of Columbus VORTAC 260° radial extending from the 6.5-mile-radius area to 32.5 miles west of the VORTAC; excluding the portion within Columbus, Miss., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c)

Issued in East Point, Ga., on June 9, 1971.

James G. Rogers,
Director, Southern Region.

[FR Doc.71-8504 Filed 6-16-71;8:49 am]

[Docket No. 11135; Amdt. 761]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF (NDB)-VOR SIAP's, effective July 15, 1971:

Ellensburg, Wash.—Bowers Field; VOR-1, Amdt. 4; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective July 15, 1971:

Ellensburg, Wash.—Bowers Field; VOR-A, Original; Established.
Klamath Falls, Oreg.—Kingsley Field; VOR Runway 32, Amdt. 3; Revised.
Melbourne, Fla.—Cape Kennedy Regional Airport; VOR Runway 27, Amdt. 4; Revised.
New Orleans, La.—New Orleans International (Moisant) Airport; VOR-A, Amdt. 8; Revised.

New York, N.Y.—John F. Kennedy International Airport; VOR-A, Amdt. 5; Revised.
New York, N.Y.—John F. Kennedy International Airport; VOR Runway 4L/R, Amdt. 10; Revised.
New York, N.Y.—John F. Kennedy International Airport; VOR Runway 13L/R, Amdt. 8; Revised.
New York, N.Y.—John F. Kennedy International Airport; VOR Runway 22L, Amdt. 14; Revised.
New York, N.Y.—John F. Kennedy International Airport; VOR Runway 31L, Amdt. 7; Revised.
Portland, Oreg.—Portland International Airport; VOR-A, Amdt. 4; Revised.
Klamath Falls, Oreg.—Kingsley Field; VORTAC Runway 14, Original; Established.
Klamath, Falls, Oreg.—Kingsley Field; VORTAC Runway 32, Original; Established.
Klamath Falls, Oreg.—Kingsley Field; VOR/DME Runway 32, Amdt. 2; Cancelled.
Opelousas, La.—St. Landry Parish Airport; VOR/DME-A, Amdt. 1; Revised.
Patterson, La.—Harry P. Williams Memorial; Airport VOR/DME-A, Amdt. 4; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective June 24, 1971:

Gulfport, Miss.—Gulfport Municipal Airport; LOC Runway 13, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective July 15, 1971:

Klamath Falls, Oreg.—Kingsley Field; LOC/DME Runway 32, Original; Established.
New Orleans, La.—New Orleans International (Moisant) Airport; LOC Runway 28, Amdt. 4; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective July 15, 1971:

Forrest City, Ark.—Forrest City Municipal Airport; NDB Runway 35, Amdt. 1; Revised.
Klamath Falls, Oreg.—Kingsley Field; NDB (ADF) Runway 32, Amdt. 6; Canceled.
Klamath Falls, Oreg.—Kingsley Field; NDB-A, Original; Established.
Mobile, Ala.—Bates Field; NDB Runway 14, Amdt. 20; Revised.
New Orleans, La.—New Orleans International (Moisant) Airport; NDB Runway 10, Amdt. 17; Revised.
Parsons, Kans.—Tri-City Airport; NDB Runway 17, Amdt. 1; Revised.
Patterson, La.—Harry P. Williams Memorial Airport; NDB Runway 5, Amdt. 3; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 24, 1971:

Gulfport, Miss.—Gulfport Municipal Airport; ILS Runway 13, Amdt. 2; Canceled.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 15, 1971:

Charlotte, N.C.—Douglas Municipal Airport; ILS Runway 5, Amdt. 25; Revised.
Klamath Falls, Oreg.—Kingsley Field; ILS Runway 32, Amdt. 11; Revised.
Mobile, Ala.—Bates Field; ILS Runway 14, Amdt. 21; Revised.
New Orleans, La.—New Orleans International (Moisant) Airport; ILS Runway 10, Amdt. 23; Revised.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 4R, Amdt. 17; Revised.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 13L, Amdt. 4; Revised.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 22L, Amdt. 15; Revised.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 22R, Original; Established.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 31R, Amdt. 6; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective July 15, 1971:

Portland, Oreg.—Portland International Airport; Radar-1, Amdt. 17; Revised.

9. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective July 15, 1971:

New Orleans, La.—New Orleans International (Moisant) Airport; RNAV Runway 1, Amdt. 1; Revised.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 12, Original; Canceled.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 30, Original; Canceled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 8, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-8402 Filed 6-16-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-120; Amdt. 5]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Service on Affected Commuter Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1971.

In a notice of rule making, PDR-30, SPDR-21[1] the Board proposed amendments to Part 302 of the Procedural Regulations and Part 376 of the special regulations to require service of applications for exemption and applications for amendment of flight patterns of certificated helicopter carriers on affected commuter air carriers as defined in Part 298 of the Board's economic regulations. Pursuant to the notice, comments on the proposed rules were received from Delta Air Lines, Inc., Eastern Air Lines, Inc., New York Airways, Inc. (NYA),[2] Texas International Airlines, Inc. (TXI), the National Air Transportation Conferences (NATO), an air taxi trade association, and the State of California and the California State Public Utilities Commission (the California parties). The NATC, whose petition initiated this rule making, supports the proposed rule. NYA and TIA oppose, in toto, the proposed amendments to Parts 376 and 302, respectively.[3] The remaining comments generally support the proposed rule but request certain modifications of the provisions therein.

Upon consideration of the relevant matter contained in the comments filed, we have determined to adopt the rule as proposed with one modification: we shall limit the service requirements in §§ 302.403 and 376.4 to commuter air carriers who publish schedules in the "Official Airline Guide." Therefore, except as modified herein, the tentative findings made in PDR-30, SPDR-21, are incorporated herein by reference and made final.

The proponents of this modification argue, and we agree, that requiring service to be made on commuter air carriers which publish schedules filed with the Board pursuant to Part 298, might impose an unwarranted burden upon air carriers seeking relief under the provisions of Part 302 or 376. For example, since air taxi schedules are filed by more than 100 carriers and there is no index listing all carriers serving a point, it would be very difficult for the applicant to ascertain, from the schedules filed with the Board, which air taxi serves a particular point. Therefore, as most major air taxis publish their schedules in the "Official Airline Guide," and the OAG is a widely held and distributed publication, it will serve as a readily accessible means of determining which commuter air carrier serves a point involved in the application. And, as pointed out by NYA, "if a carrier has not taken the trouble to publish its schedules in the "Official Airline Guide," there is no reason why the burden should be placed on other parties to serve it with copies of documents."[4]

However, we are not persuaded that the service requirements in Parts 302 and 376 should be limited to commuter air carriers serving a "pair of points" affected by the application as urged by NYA and TXI. The modification requested would be patently inequitable to commuter air carriers which serve only a single point named in the application. Furthermore, since the notice provisions in the proposed rules will apply only to commuter air carriers which provide service to a point on a regularly scheduled basis (i.e., a minimum of five round trips per week pursuant to published

[1] Dec. 8, 1970 (35 F.R. 18877).

[2] Los Angeles Airways, Inc., filed a comment in which it supports the views expressed in the comments of NYA.

[3] NYA restates several of the objections it made to the petition of NATC for rule making, on policy grounds. These arguments were noted and rejected by the Board in the explanatory statement to the proposed rules and will not be further discussed herein.

[4] The NATC also supports this modification.

schedules), they are no more burdensome on applicants than existing notice provisions.

One other matter deserves comment here:[5] TXI opposes the amendment to Part 302 on the ground that the proposed rule would provide a "new concept of route protection for air taxi operators not now contemplated by the Board's regulations or the Federal Aviation Act." It asserts that there is no reason to serve an exemption application upon an air taxi operator unless the air taxi operator's response is to be given some weight in the evaluation of the application. Therefore TXI concludes that the proposed rule would be a major change in the Board's regulation of air taxi operators, and ought not to be effected through the amendments proposed herein.

We find no merit in this contention. The service requirements are designed to assure that those persons whose interests may be affected by exemption applications may have an opportunity to respond. That the air taxi operators who are to be served may have such an interest is clear and undisputed. In addition to being a matter of elementary fairness, it is important from the Board's standpoint to have the views of interested persons, other than the applicant, before it in order to consider, inter alia, the public interest criteria of sections 102 and 416 (a) of the Act.

Accordingly, in consideration of the foregoing the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) effective July 19, 1971, as follows:

1. Amend paragraph (b) of § 302.403 to read as follows:

§ 302.403 Service of application.

* * * * *

(b) *Persons to be served.* Except in the case of an application for an exemption from sections 403 and 404 of the Act or an application for exemption which will permit the applicant to render irregular services only other than between specified points, a copy of an application shall be served on the following parties who shall be presumed to have an interest in the subject matter of the application: (1) Any air carrier which is authorized to render regular service to any point involved in the application; (2) any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with, and which has not been finally disposed of by, the Board; (3) the chief executive of any State, territory, or possession of the United States in which any such point is located; *Provided, however,* That if there be a state commission or agency having jurisdiction over transportation by air, service shall be made on such commission or agency, rather than the chief executive of the State; (4) the chief executive of the city, town, or other unit of local government at any such point located in the United States or any territory or possession thereof; (5) the board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States and which is being used to serve such point at the time the application is filed; and (6) any commuter air carrier which operates pursuant to Part 298 of this chapter or other exemption authority which provides at least five round trips per week between two or more points one of which is involved in such application and which publishes schedules in the "Official Airline Guide" which include service to the point involved in the application.

* * * * *

(Secs. 204, 1001, Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-8547 Filed 6-16-71;8:52 am]

[5] The California parties request that the proposed rule be amended to provide for service of applications directly on the state regulatory body affected. In view of the provision for service on state regulatory agencies and commissions contained in other parts of the Board's regulations (e.g., § 376.4(a)) the California parties' request will be granted and an appropriate amendment made to Part 302.

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-50; Amdt. 4]

PART 376—AMENDMENT OF FLIGHT PATTERNS OF HELICOPTER OPERATORS

Service on Affected Commuter Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1971.

In a notice of rule making, PDR-30, SPDR-21,[1] the Board gave notice that it had under consideration amendments to Part 302 of the procedural regulations and Part 376 of the special regulations to require service of applications for exemption and applications for amendment of flight patterns of certificated helicopter carriers on affected commuter air carriers as defined in Part 298 of the Board's economic regulations. For the reasons set forth in PR-120, issued simultaneously herewith, the Board has decided to adopt the amendments to Parts 302 and 376 as proposed with one modification: the service requirements in §§ 302.403 and 376.4 shall be limited to commuter air carriers who publish schedules in the "Official Airline Guide."

Accordingly, the Civil Aeronautics Board hereby amends Part 376 of the Special Regulations (14 CFR Part 376) effective July 19, 1971, as follows:

1. Amend § 376.4 to read as follows:

[1] Dec. 8, 1971 (35 F.R. 18877).

§ 376.4 Filing and service.

Applications for flight pattern amendments shall be filed with the Docket Section of the Board not later than 20 days prior to the desired effective date. Prior to or coincident with the filing of an amended flight pattern application, the carrier shall serve notice of such filing together with a copy of the proposed amended flight pattern in the manner indicated below:

(a) If the application proposes suspension of passenger service to any point, service shall be made upon:

(1) The chief executive of any State, territory, or possession of the United States in which is located any point which is regularly receiving passenger service, at which suspension of such service is proposed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, service shall be made on such commission or agency, rather than the chief executive of the State;

(2) The chief executive of the city, town, or other unit of local government at each such point;

(3) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport or heliport being used to serve such point.

(b) If the application proposes termination, suspension or inauguration of passenger service to any point, service shall be made upon:

(1) Any local service air carrier which serves any point at which it is proposed to terminate, suspend or inaugurate passenger service; and

(2) Any commuter air carrier (as defined in Part 298 of this chapter) which operates pursuant to Part 298 of this chapter or other exemption authority, and which (i) provides at least five round trips per week between two or more points at one of which points it is proposed to terminate, suspend or inaugurate passenger service and which publishes flight schedules in the "Official Airline Guide" which include service to such a point or (ii) operates to the terminal airports of Los Angeles, San Francisco, Chicago, or New York/Newark, as the case may be, and which publishes flight schedules in the "Official Airline Guide" which include service to such a point.

(c) If proposed flight patterns involve property and mail carriage, such service shall be made upon the Postmaster General, marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations.

Any person entitled to service under the provisions of this part may, within 10 days after such service, file with the Board, and serve upon the carrier, a statement of position with respect to the proposed service pattern: *Provided,* That any such person may, in writing, waive such notice and recommend that the Board approve the amended flight pattern as proposed.

(Secs. 204, 1001, Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-8548 Filed 6-16-71;8:53 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6559]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Contractual Plans for Mutual Fund Shares and Variable Annuities

On April 29, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6493) (36 F.R. 8319) that it had under consideration, among other things, the amendment of Rules 27a-1, 27a-2, 27a-3, and 27c-1 under the Investment Company Act of 1940 (Act) (17 CFR 270.-27a-1, 270.27a-2, 270.27a-3, and 270.-27c-1) and invited all interested persons to comment upon the proposals. On May 28, 1971, a Public Conference was held before the Commission, pursuant to notice (Investment Company Act Release No. 6527, May 17, 1971) (36 F.R. 9143), at which time interested persons were heard by the Commission. The Commission has considered all the comments and suggestions received with respect to Rules 27a-1, 27a-2, 27a-3, and 27c-1 and has determined to adopt the amendments proposed in the form set forth below. Adoption of the amendments is made pursuant to the authority granted the Commission in sections 6(c) and 38(a) of the Act (15 U.S.C. 80a-6c, 80a-37(a)).

Rules 27a-1, 27a-2, and 27a-3 provide for certain conditions for compliance with and exemption from section 27(a) of the Act (15 U.S.C. 80a-27(a)) for certain registered separate accounts. Section 27(h) of the Act, added by the Investment Company Amendments Act of 1970 (Public Law 91-547; 84 Stat. 1425), provides an alternative method to section 27(a) for the regulation of the sale of securities by such registered separate accounts. The amendment of Rules 27a-1, 27a-2, and 27a-3 requires the same conditions for compliance and extends the same exemptions to securities sold subject to section 27(h) as previously existed for those sold subject to section 27(a).

Rule 27c-1 exempts variable annuity contracts from the requirement of section 27(c)(1) of the Act that they be redeemable during the annuity payout period. The amendment to Rule 27c-1 will, during the annuity payout period, exempt such contracts from the 18 month refund requirement of section 27(d) of the Act (84 Stat. 1424), added by the Investment Company Amendments Act of 1970.

Section 6(c) of the Act provides that the Commission, by rule, regulation or order, may exempt any person or transaction, or any class of persons or transactions, from any provision of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 38(a) of the Act authorizes the Commission to issue and amend such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Commission action. Sections 270.27a-1, 270.27a-2, 270.27a-3, and 270.27c-1 of Chapter II of Title 17 of the Code of Federal Regulations are amended to read as follows:

§ 270.27a-1 Conditions for compliance with and exemptions from certain provisions of section 27(a)(1) and section 27(h)(1) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall with respect to any variable annuity contract participating in such account, be deemed to satisfy the requirements of section 27(a)(1) and section 27(h)(1) of the Act if such contract provides for a sales load which will not exceed 9 per centum of the total payments to be made thereon as of a date not later than the end of the 12th year of such payments: *Provided,* That if a contract be issued for any stipulated shorter payment period the sales load under such contract shall not exceed 9 per centum of the total payments thereunder for such period.

§ 270.27a-2 Exemption from section 27(a)(3) and section 27(h)(3) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall be exempt from paragraph (3) of section 27(a) and paragraph (3) of section 27(h) of the Act: *Provided,* That with respect to any variable annuity contract participating in such account the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract period.

§ 270.27a-3 Exemption from section 27(a)(4) and section 27(f)(5) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall be exempt from paragraph (4) of section 27(a) of the Act and paragraph (5) of section 27(h) of the Act as to payments under any variable annuity contract participating in such account which (1) is purchased in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, as amended (Code), or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or (2) meets the requirements of section 403(b) of the Code, but such exemptions shall apply only to contributions or payments within the exclusion allowance for any employee under section 403(b) except as clause (3) hereof applies, or (3) permits no sales load deduction from any payment in excess of 9 per centum of such payment.

§ 270.27c-1 Exemption from section 27(c)(1) and section 27(d) of the Act during annuity payment period of variable annuity contracts participating in certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, during the annuity payment period of variable annuity contracts participating in such account, be exempt from the requirement of paragraph (1) of section 27(c) of the Act that a periodic payment plan certificate be a redeemable security and from section 27(d) of the Act with respect to such contracts under which payments are being made based upon life contingencies.

The Commission finds that since the foregoing rules grant exemptions from certain provisions of the Act and said amendments have been adopted to conform to changes made by the provisions of the Investment Company Amendments Act of 1970 (Public Law 91-547), which take effect on June 14, 1971, notice and procedures specified under 5 U.S.C. 553 are unnecessary and impracticable. Accordingly, the foregoing amendments are declared to become effective on June 14, 1971.

(Secs. 6(c), 38(a); 54 Stat. 800, 841; 15 U.S.C. 80a-6(c), 80a-37(a); sec. 16, 84 Stat. 1424, 15 U.S.C. 80a-27(h))

By the Commission, June 10, 1971.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-8490 Filed 6-16-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED NO. 40

In the matter of listing FD&C Red No. 40 as a color additive, subject to certification, for food use and drugs use:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter

published in the FEDERAL REGISTER of April 10, 1971 (36 F.R. 6892). Accordingly, the regulations promulgated thereby (§§ 8.244 and 8.4104) will become effective June 9, 1971.

Dated: June 7, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8472 Filed 6-16-71;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM, ETHOPABATE, CHLORTETRACYCLINE, SODIUM SULFATE

The Commissioner of Food and Drugs has evaluated a new animal drug application (36-361V) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the safe and effective use in chicken feed of a combination drug containing amprolium, ethopabate, chlortetracycline, and sodium sulfate. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended, as follows:

1. Section 121.208 is amended in paragraph (d), table 1, by adding a new item 15 and a new subitem a thereunder, as follows:

§ 121.208 Chlortetracycline.

* * * * * * *

(d) * * *

TABLE 1—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
14. * * *					
15. Chlortetracycline	200			For broiler chickens; in low calcium feed containing 0.8 percent dietary calcium and 1.5 percent sodium sulfate; feed continuously as sole ration for not more than the first 3 weeks of life.	Treatment of chronic respiratory disease caused by strains of *Mycoplasma gallisepticum* susceptible to chloretetracycline.
a. Chlortetracycline	200	Amprolium+ ethopabate.	227 3.6	do	Prevention of coccidiosis.

2. Section 121.210 is amended in paragraph (c), table 1, by adding a new subitem u under item 2.11, as follows:

§ 121.210 Amprolium.

* * * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.11 * * *					
u. 2.2		Chlortetracycline.	200	For broiler chickens; in low calcium feed containing 0.8 percent dietary calcium and 1.5 percent sodium sulfate; feed continuously as sole ration for not more than the first 3 weeks of life.	Treatment of chronic respiratory disease caused by strains of *Mycoplasma gallisepticum* susceptible to chlortetracycline.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6-17-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 8, 1971.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.71-8473 Filed 6-16-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.3—General Policies

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.52—Procurement of Special Items

MISCELLANEOUS AMENDMENTS

The revision in § 9-5.5206-5, "Steel filing cabinets," is made in order to conform to FPMR 101-26.308.

1. In Subpart 9-1.3, General Policies, § 9-1.351, *Distribution of Federal Specifications and Standards,* paragraph (a) is revised to read as follows:

§ 9-1.351 Distribution of Federal Specifications and Standards.

(a) AEC does not maintain a central distribution point for specifications and standards. Index of Federal Specifications, Standards, and Handbooks may be obtained by submission of an order from field offices to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of Federal Specifications and Standards may be obtained in the same manner. Single copies of product specifications required for bidding purposes are available without charge at the Business Service Centers of the General Services Administration Regional Offices. Nongovernment activities should obtain copies of the Index and of Federal Specifications and Standards from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

* * * * *

2. In Subpart 9-5.52, Procurement of Special Items, under § 9-5.5206, *Miscellaneous items,* § 9-5.5206-5, *Steel filing cabinets,* paragraph (b) is revised to read as follows:

§ 9-5.5206 Miscellaneous items.

§ 9-5.5206-5 Steel filing cabinets.

* * * * *

(b) Direct AEC procurements of steel filing cabinets are subject to the approval requirements of FPMR 101-26.308. These requirements do not apply to grantees or contractors authorized to use GSA supply sources. However, such filing cabinets shall not be procured by AEC cost-type contractors unless approved by the Manager of the cognizant

Field Office, on the bases that AEC utilization requirements have been met and the actions prescribed by FPMR 101–25.302–2 have been taken. A copy of the Field Office approval shall be retained in the appropriate purchasing office files.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949; as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (6–17–71).

Dated at Germantown, Md., this 11th day of June 1971.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.71–8465 Filed 6–16–71;8:45 am]

Chapter 29—Department of Labor

PART 29–3—PROCUREMENT BY NEGOTIATION

Pursuant to the authorities contained in 5 U.S.C. 301, Reorganization Plan No. 6 of 1950 (64 Stat. 1263), I hereby amend Chapter 29 of Subtitle A of Title 41 of the Code of Federal Regulations by adding a new Part 29–3 to read as set forth below. As these regulations relate solely to grants and public contracts and rules of agency procedure, the requirement of 5 U.S.C. 553 as to notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable. I do not believe such procedure will serve a useful purpose here. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER (6–17–71).

Subpart 29–3.1—Use of Negotiation

Sec.
29–3.100 Scope of subpart.
29–3.100–50 Other procedures applicable to negotiated procurements.
29–3.101 General requirements for negotiation.
29–3.101–50 Late proposals.
29–3.101–51 Limitations on use of requests for quotations.
29–3.103 Dissemination of procurement information.

Subpart 29–3.2—Circumstances Permitting Negotiation

29–3.202 Public exigency.
29–3.203 Purchases not in excess of $2,500.
29–3.204 Personal or professional services.
29–3.204–50 Criteria for determining whether services are personal.
29–3.211 Experimental, developmental or research work.

Subpart 29–3.3—Determinations, Findings, and Authorities

29–3.302 Determinations and findings required.
29–3.305 Form and requirements of determinations and findings.
29–3.305–50 Class determinations and findings for negotiating authority.

Subpart 29–3.4—Types of Contracts

29–3.403 Selection of contract type.
29–3.404 Fixed-price contracts.
29–3.404–3 Fixed-price contract with escalation.
29–3.404–4 Fixed-price incentive contract.
29–3.404–7 Retroactive price redetermination after completion.
29–3.405 Cost-reimbursement type contracts.
29–3.405–3 Cost-sharing contract.
29–3.405–4 Cost-plus-incentive-fee contract.
29–3.405–5 Cost-plus-a-fixed-fee contract.
29–3.405–50 Cost-plus-award-fee contract.
29–3.406 Other types of contracts.
29–3.406–1 Time and materials contract.
29–3.407 Additional incentives.
29–3.407–2 Contracts with performance incentives.
29–3.408 Letter contract.
29–3.409 Indefinite delivery type contracts.

Subpart 29–3.6—Small Purchases

29–3.602 Policy.
29–3.602–50 Purchasing authority.
29–3.603 Competition.
29–3.603–1 Solicitation.
29–3.603–2 Data to support small purchases.
29–3.604 Imprest funds (petty cash) method.
29–3.604–3 Agency responsibilities.
29–3.604–4 Use of imprest funds.
29–3.604–6 Procurement and payment.
29–3.604–50 Designation of cashiers.
29–3.604–51 Instructions for cashiers.
29–3.604–52 Accountability of imprest funds.
29–3.605 Purchase order forms.
29–3.605–3 Agency order forms.
29–3.605–50 Cancellation of purchase orders.
29–3.605–51 Duplicate purchase orders.
29–3.606 Blanket purchase arrangements.
29–3.606–1 General.
29–3.606–3 Establishment of account.
29–3.606–4 Documentation.

Subpart 29–3.7—Negotiated Overhead Rates

29–3.705 Procedure.
29–3.707 Cost-sharing rates and limitation on overhead cost.
29–3.707–50 Overhead cost ceiling.

Subpart 29–3.8—Price Negotiation Policies and Techniques

29–3.802 Preparation for negotiation.
29–3.809 Contract audit as a pricing aid.
29–3.809–50 Procedures.

Subpart 29–3.9—Subcontracting Policies and Procedures

29–3.903 Review and approval of contractor's purchasing system and subcontracts.
29–3.903–2 Review and approval of subcontracts.
29–3.950 Subcontracting by cost-type prime contractors.

AUTHORITY: The provisions of this Part 29–3 issued under 80 Stat. 379, 5 U.S.C. 301, 63 Stat. 389, 40 U.S.C. 486(c).

Subpart 29–3.1—Use of Negotiation

§ 29–3.100 Scope of subpart.

§ 29–3.100–50 Other procedures applicable to negotiated procurements.

Generally, except where sections of Subparts 1–2.2 and 1–2.3 of this title and Subparts 29–2.2 and 29–2.3 of this chapter deal with aspects of bid solicitation and submission peculiar to formal advertising only (e.g., (a) the public bid opening, (b) the "formal offer" status of the bid as opposed to a proposal, and (c) the specificity with which the item being procured can be described) those subparts shall be applicable to the solicitation and submission of proposals for contracts to be effected by negotiation. In addition, within the above guidelines, the following sections shall also be applicable:

Sec.
29–2.105 Solicitation for informational or planning purposes.
29–2.401, 1–2.401 Receipt and safeguarding of bids.
29–2.406–4, 1–2.406–4 Disclosure of mistakes after award.
1–2.407–2 Responsible bidder.
1–2.407–6 Equal low bids.
29–2.407–8, 1–2.407–8 Protests against award.

It should be noted that deviation from the requirements in Part 1–3 of this title and this Part 29–3 may be made for contracts on a class or individual case basis with the prior written consent of the head of the agency for reasons of program or other considerations, e.g., financial assistance programs. Such deviation shall be obtained in accordance with the procedures in § 29–1.009 of this chapter.

§ 29–3.101 General requirements for negotiation.

§ 29–3.101–50 Late proposals.

Late proposals shall be treated as are late bids in accordance with § 29–2.303 of this chapter and § 1–2.303 of this title. For purposes of applying the late bid rules to late proposals, unless a specified time for receipt of proposal is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals. An exception to the rule excluding late proposals shall be accorded to late proposals when no timely proposals were received.

§ 29–3.101–51 Limitations on use of requests for quotations.

Standard Form 18, "Request for Quotations," illustrated in § 1–16.901–18, of this title, shall not be used by the contracting officer to solicit, from prospective suppliers, formal legal offers which could be accepted by the Government for purposes of creating binding contracts. The limitations on the use of Standard Form 18 are set out in § 1–16.201 of this title.

§ 29–3.103 Dissemination of procurement information.

(a) During the interval between the initiation of request for proposals and the making of an award, the limitations on communication between DOL representatives, procurement and otherwise, and prospective suppliers shall be the same as those provided in § 29–2.202–52

of this chapter for formally advertised solicitations. Moreover no prospective supplier shall be given an advantage over competitors of advance knowledge that proposals are to be requested.

(b) The disclosure requirements of the Public Information Act, 5 U.S.C. 552, do not operate to qualify this § 29–3.103 nor the § 1–3.103(b) bar against the disclosure of information. See Part 70 of Title 29 of the Code of Federal Regulations.

Subpart 29–3.2—Circumstances Permitting Negotiation

§ 29–3.202 Public exigency.

When DOL requests GSA to procure an item for DOL under this exception, the DOL procuring activity must comply with the documentation requirements of § 5–3.202 of this title.

§ 29–3.203 Purchases not in excess of $2,500.

When determining whether or not the amount involved in any one transaction exceeds $2,500, the full or gross purchase price is controlling. Any prompt payment discount or the trade-in value of any article (to be offered to the vendor in exchange) is not to be deducted to qualify a procurement for the exception in § 1–3.203 of this title.

§ 29–3.204 Personal or professional services.

Where statutory authority exists for both (a) the procurement of personal services and (b) the authorized deviation from advertising requirements for such procurement, § 1–3.215 of this title shall be the exception cited and not § 1–3.204 of this title. The statutory authority must be separate and apart from the Federal Property and Administrative Services Act of 1949, as amended, which authorizes the FPR and the DOLPR.

§ 29–3.205–50 Criteria for determining whether services are personal.

For purposes of applying the prohibition against personal services, the contracting officer shall make his determinations on a case-by-case basis. In so doing, he shall apply the circumstances of a particular case to the general criteria in this § 29–3.205–50. In determining whether services being procured are "personal" in nature, not all the criteria need be present in a particular case to justify the barring of a proposed procurement as being in violation of the proscription against personal services procurement.

(a) *Government supervision.* Based on decisions of the Comptroller General and standards published by the Civil Service Commission, the following criteria constitute some of the general standards against which to measure a proposed procurement when "Government supervision" is a factor in order to determine whether the procurement requires special statutory authority to bring it within § 29–3.204. To determine the extent of Government supervision the contracting officer should look to all of the provisions of the entire contract, not merely the work statement, schedule, or specification. Some elements of Government supervision to consider, although they need not be answerable in the affirmative in a particular situation to warrant the conclusion that Government supervision exists, are:

(1) Will the work be performed at a Government site or in close proximity to the Government's authorized representative responsible for accepting or rejecting the work to be performed?

(2) Will Government-furnished tools and facilities be used in performing the work?

(3) Will the services be applied directly in furtherance of assigned functions or missions of DOL or one of its subparts, i.e., as opposed to supporting services or services of professional or staff assistants?

(4) Are identical or substantially comparable services meeting similar needs being performed in DOL and/or other Federal agencies by Civil Service personnel?

(5) Can the need for the particular services be said to be recurring or extending beyond 1 year, regardless of the term of the proposed procurement which, for appropriation purposes, might be limited to a year or less?

(6) Does a Government official or employee have full personal responsibility for the successful performance of the services?

(7) Does the Government control not only what services will be performed but also the full particulars of how the services will be performed?

(8) Does the contract provide payment for inputs, e.g., labor hours, as opposed to outputs, e.g., reports?

(b) *Examples of nonpersonal services.* Contracts requiring the collection of data, the delivery of lectures, services by artists, physicians, dentists, and public stenographers are usually nonpersonal. Temporary services performed by those in mechanical trades such as plumbers, electricians, etc., for the performance of a particular job whether on a time or job basis are usually considered nonpersonal.

§ 29–3.211 Experimental, developmental, or research work.

The determination referred to in § 1–3.211 of this title shall be made by the head of the procuring activity for requirements of $25,000 or less. Otherwise the head of the procuring activity shall forward the matter together with his recommendations to the head of the agency for his determination.

Subpart 29–3.3—Determinations, Findings, and Authorities

§ 20–3.302 Determinations and findings required.

The head of the procuring activity shall make the determinations required by § 1–3.302(d) of this title. The contracting officer shall make the determinations required by § 1–3.302 (a), (b), and (c) of this title. The head of the agency shall make the determinations required by § 1–3.302 (e) and (f) of this title.

§ 29–3.305 Form and requirements of determinations and findings.

There is no particular form of determinations and findings prescribed for DOL-wide use. Each procuring activity may prescribe its own forms, provided they meet the requirements enumerated in § 1–2.305 of this title and illustrated in § 1–3.213 of this title.

§ 29–3.305–50 Class determinations and findings for negotiating authority.

Class determinations and findings, when justified, shall be prepared by the contracting officer and will be approved in writing by the head of the agency. Such approval will only be granted to avoid the repetitive preparation and approval of individual determinations and findings. Class determinations and findings may only be used for a finite group of prospective procurements with a common background, purpose and identical justification for exemption from the statutory requirement to procure by formal advertising. The group of procurements must be described in detail, including the nature of the program, the approximate number of contract actions, the cumulative dollar value of the procurements covered, the type of contracts to be let, the similarity in performance requirements and objectives and the general identity of contractors (the specific identity, if known). The class determinations and findings should also contain any other information supporting the conclusion that authority to negotiate should be extended to all of the procurements in the group or class being described. A class determinations and findings shall not extend the authority to negotiate or award the procurements that are part of the class after the expiration of the fiscal year for which the class determinations and findings were approved. Class determinations and findings may be renewed from year to year. A particular procurement, identified in a prior year's class determinations and findings, if covered by the renewal, is authorized for negotiation. However, renewal of a class determinations and findings is not a renewal of expired appropriations, regardless of whether such funds had been set-aside previously for the particular procurements whose negotiation was covered by a previous class determinations and whose negotiation authority is now being renewed.

Subpart 29–3.4—Types of Contracts

§ 29–3.403 Selection of contract type.

In preparing its negotiation position, the Government must include as one of its negotiation goals the type of contract that it prefers to consummate the particular transaction. The contract type selected as a goal requires consideration of all the circumstances of the transaction, not merely the deliverable end item. Such circumstances include the anticipated terms of the contract, product reliability of the item, the relationship between the cost risk to the Government

and contractor's performance risk, the urgency of the Government's needs and the availability and/or acceptability of substitute items. The availability of competition from prospective suppliers for the item is an important factor to consider, in addition to those in § 1–3.403 of this title, in selecting a contract type.

§ 29–3.404 Fixed-price contracts.

§ 29–3.404–3 Fixed-price contract with escalation.

(a) *Description.* The purpose of using an escalation clause in a fixed-price contract is to avoid the inequitable impact on either party of a known, identifiable and extraordinary contingency that can be isolated from the usual, less severe risks of performance. Frequently, the less desirable cost-reimbursement type contract is the only alternative to an escalation clause to protect the interest of the parties against performance or cost risk in a contract that would otherwise lend itself to a fixed-price contract. Fixed-price contracts with escalation shall not be awarded without maximum limitations on the upward and/or downward price adjustment. Such limitations shall not exceed 10 percent of the contract price without the express written approval of the head of the agency. An attempt shall be made, where applicable, to make the escalation factor reciprocal where the contingency factor shows both an upward and downward vacillation from a base or index. Care shall be taken in using this type of contract that no ambiguity surrounds the terms or amount of the escalation. Each source of bases or indices used shall be of such a caliber as to be generally considered authentic by specialists in the field and published in trade journals or other business-type publications available to the public. Moreover, the base or index shall have as much correlation as possible to the variation in price of the contingency covered by the escalation clause. Where the contingency can be anticipated in advance, it may be spelled out in an appropriate escalation clause in the invitation for bid, as set out in § 1–2.104–3 of this title, or request for proposal, with no provision for deviation from the clause in the bid or proposal. Providing an escalation clause without deviation in the solicitation eliminates the problem of considering variations in this factor when evaluating competing bids or proposals.

(b) *Application.* Where escalation provisions are incorporated in the terms of a negotiated procurement, the parties shall give due recognition of the downward impact on the contractor's risk resulting from the elimination of the contingency. Since the amount of risk and who bears it are two of the dominant factors in determining a fair level of profit, reduction in risk shall be reflected in the lower level of profit negotiated. Fixed-price contracts with escalation provision shall not be used unless the overall price of the item being procured on a fixed-price basis would have been higher than the base price under the fixed-price with escalation contract.

§ 29–3.404–4 Fixed-price incentive contract.

(a) *Description*—(1) *General.* Next to firm fixed-price contracting, the fixed-price incentive contract imposes the maximum risk and motivation on the contractor. It is especially valuable for use in a procurement where the parties would otherwise have not been able to agree on an equitable price. Cost-plus-incentive-fee contracts as described in § 29–3.405–4 similarly also provides for a reward and penalty. A cost-plus-incentive-fee contract can focus on many different nonprice performance factors and can even achieve an order of priority among those factors. The fixed-price incentive contract is designed to motivate the contractor to hold his costs down while at the save time limit the risk to the Government if costs are not controlled. The fixed-price incentive contract requires for its application the delivery of an end product which can be precisely described and which will, at contract completion, be accepted or rejected on the basis of objective standards. Where various measurable levels of quality can be anticipated and the Government wants the contractor to be motivated toward the highest quality, then the fixed-price incentive contract, which motivates a contractor to be only cost conscious, should not be used. In such a case, a cost-plus-incentive-fee contract would be desirable.

§ 29–3.404–7 Retroactive price redetermination after completion.

This type of contract has narrowly limited application. Its distinctive characteristic is the combination of a ceiling price and a provison for a postperformance "downward-only" price redetermination. This fixed-price contract type offers an advantage over others where negotiation between the parties is impeded by their disagreement over the relationship between risk and price in a prospective contract of relatively short duration and low dollar value. Thus, typically, it would be applicable where a contractor will accept a fixed price contract together with the risks associated with that type of contract and yet insists on adding unrealistically (in the Department's view) high contingency factors into the fixed price he is willing to negotiate. In using this type of contract, care should be taken that the ceiling price represents some contractor risk, otherwise the contract takes on some of the characteristics of a cost-plus-a-percentage-of-cost-type contract prohibited in § 1–3.401(b) of this title.

§ 29–3.405 Cost-reimbursement type contracts.

§ 29–3.405–3 Cost-sharing contract.

Caution in the use of this type of contract is required to prevent the costs agreed to be assumed by the contractor from being recirculated in the contractor's accounting system and recharged against the cost-sharing contract or other Government contracts, directly or indirectly. When used, this type of contract shall contain a clause specifically prohibiting the recharge of any part of the contractor's "share." A cost-sharing contract providing for the contractor to share cost overruns as well as costs less than the contract ceiling will not obligate the Department to add additional funds. The contractor in such a contract is only obligated to continue to share costs if the Department elects to extend the contract with additional funds. Contracts containing a requirement that the parties share in overruns shall contain a maximum limit beyond which neither party assumes any liability for further participation in overruns. Where the mutuality of interest of both the Department and prospective suppliers is present, requests for proposals may include language recognizing the prospective joint benefits and stating that the willingness of contractors to share costs will be a factor in determining award. In no event, however, shall a lack of willingness to share costs by a prospective supplier, in and of itself, justify the rejection of a proposal as nonresponsive. To do otherwise could operate to exclude technologically superior suppliers who may not wish to share costs.

§ 29–3.405–4 Cost-plus-incentive-fee contract.

This type of contract embodying a large negative fee or loss factor in conjunction with delivery or other element of performance shall not be used to overcome the limitations on the use of the liquidated damages provisions as set forth in § 29–1.315 of this chapter.

§ 29–3.405–5 Cost-plus-a-fixed-fee contract.

(a) *Limitations.* There is no Department-wide fixed fee ceiling schedule other than the limitations imposed in § 1–3.405–5(c)(2) of this title. Within those limitations, the head of each procuring activity may establish a fee ceiling for the activity.

(b) *Contractors' investment in work-in-process.* The head of each procuring activity has been delegated the authority to make the determination described in § 1–3.405–(d)(1)(ix) of this title.

§ 29–3.405–50 Cost-plus-award-fee contract.

(a) *Description.* The use of this type of cost reimbursement contract is relatively new and stems from the desire on the part of the Government to introduce incentives into cost reimbursement contracting situations where finite measures of performance necessary for cost-plus-incentive-fee contracts are absent. The use of this type of contract requires a willingness on the part of the contractor to accept a unilateral Government determination of a suitable level of fee for the performance of the contract. By terms of the contract, this determination by the Government of the fee is excluded from the scope of the Disputes clause. The contractor's performance itself is measured against criteria included in the contract. The contractor's performance relative to these criteria is a subject for discussion between the parties at various intervals during the period of contract.

The mechanics of the fee determination is unusual in that it involves two fee elements. First, there is a fee in a fixed amount or "base" fee. Second, there is a fee that is variable or "award" fee. Maximizing the second part of the fee is the basis of the contractor's motivation to be responsive to the results of progress discussions at the periodic reviews of the contractor's performance.

(b) *Application.* The cost-plus-award-fee contract shall not be used where it is clear that a cost-plus-a-fixed-fee or cost-plus-incentive-fee contract is more appropriate.

(c) *Limitations.* The base fee shall not exceed 3 percent of the estimated cost of the contract exclusive of the fee. The maximum fee (base fee plus award fee) shall not exceed the limits in § 1-3.405-5 (c) (2) of this title.

§ 29-3.406 Other types of contracts.

§ 29-3.406-1 Time and materials contract.

Although this type of contract provides for payment of a fixed price for each unit of time supplied by the contractor, the total amount of a contractor's profit and the amount of a contractor's indirect costs absorbed under the contract is increased proportionately as the number of hours worked by the contractor is increased. In order to reduce the reverse incentive inherent in this contract form, it is desirable to limit the number of hours to which the rate including profit will be applicable and to reimburse the contractor at a rate which does not include profit (and, if possible, with reduced indirect costs) for all hours worked in excess of such limit.

§ 29-3.407 Additional incentives.

§ 29-3.407-2 Contracts with performance incentives.

See § 29-3.405-50.

§ 29-3.408 Letter contract.

(a) A letter contract constitutes an emergency measure and can only be justified in the absence of applicability of any other contract type authorized in Subpart 1-3.4 of this title. A letter contract cannot be justified on either the need to obligate annual funds (or other funds on whose use there is a deadline) prior to the expiration of the time in which the funds can be legally obligated or the need to contract where the parties have been unable to resolve substantive disagreements. The policy of DOL is not to issue letter contracts. Exceptions to this policy can only be authorized by the head of the agency. Such policy exceptions will be permitted only in those cases where the parties are in agreement on nearly all matters of a substantive nature and are willing to document such agreement in the letter contract. In addition to those requirements in § 1-3.408(d) of this title, such substantive matters include:

(1) The location of where the work is to be performed;

(2) The parties' agreement that the letter contract will be superseded by a definitive contract within 3 months of the effective date of the letter contract or completion of 25 percent of the work, whichever occurs first;

(3) A statement of the work to be performed by the contractor;

(4) A performance or delivery schedule;

(5) The ceiling price of the contract to be definitized;

(6) An agreement as to the required clauses to be contained in the definitized contract;

(7) Limitation on contractor for failure of the parties to execute a definitized contract within the time specified in the contract, by a clause limiting reimbursement to the contractor of the lesser of either the Department's maximum liability under the letter contract or the costs incurred under the contract terms through the date specified for definitizing the contract.

(b) Limitations: Requests for authority to award a letter contract shall be addressed to the head of the agency. The request shall recite the circumstances of the particular procurement, explain its urgency, and why no other type of contract is suitable. The request shall also state to what extent there was agreement on the factors listed in paragraph (a) of this section and whether that agreement will be reflected in the terms of the letter contract. While every effort shall be made to make the letter contract as specific as circumstances permit, specific agreement on all of the seven factors specifically listed in paragraph (a) of this section is not a prerequisite for use of a letter contract. However, approval to enter a letter contract will be withheld unless there is agreement on a substantial number of the factors in paragraph (a) of this section, with the minimum number of these factors varying on a case-by-case basis. In the event that the parties have not agreed on a particular factor, then the parties shall attempt to agree on a reasonable range or narrow series of alternatives for that factor. Based on adequate justification the head of the agency, upon request, may during the period covered by the letter contract authorize in writing an extension of the life of the letter contract or an increase in the Department's liability. The maximum liability of the Department stated in the letter contract shall not exceed an amount necessary to provide for the completion of that portion of the estimated cost of the work required consistent with the policy of the letter contract being superseded by a definitive contract within 3 months or completion of 25 percent of the work, whichever occurs first. In instances where a contractor is required to make extensive initial outlays or commitments for material and equipment at the contract's inception, the Department's maximum liability may be increased up to 50 percent of the total estimated cost of the procurement consistent with § 1-3.408 of this title. In the unusual case and where adequate justification is presented, this 50 percent limitation may be exceeded at the contract's inception, with prior written approval of the head of the agency. Request for such authority, if applicable, shall be included in the initial request for approval of the letter contract.

§ 29-3.409 Indefinite delivery type contracts.

To qualify as an indefinite delivery contract, the instrument must contain language clearly associated with that general type. Moreover, such a contract shall also contain language distinguishing between the three different kinds of commitment by the Department to procure under indefinite delivery contracts, namely, that the quantity it is agreed to procure is: A definite quantity within a stated period (§ 1-3.409(a) of this title); all requirements for the stated period (§ 1-3.409(b) of this title); or an unknown amount within a prescribed known range for a stated period (§ 1-3.409(c) of this title). Failure to describe the quantities the Department is obligated to purchase at least as specifically as is provided above for one of the three type of contracts illustrated in § 1-3.409 of this title, could result in a basic ordering agreement that may not be enforceable because of a lack of mutuality of consideration.

(a) *Definite quantity contract*—(1) *Description.* This is sometimes referred to as a "term-type" contract and is ideally suited for the procurement of items for which there exists recurrent needs. Without this type of contract the Department would be required to issue a series of contracts, resoliciting bids on each occasion when the predictable need arose. Subject to authority within a particular appropriation or in the case of special authority (e.g., the authority to subscribe to periodicals for periods in excess of 1 fiscal year while obligating annual funds as provided in 31 U.S.C. 530a) such term contracts may not be extended beyond a fiscal year.

(2) *Application.* When all of the quantities specified in a definite-quantity term contract have been delivered, the contract shall be considered complete and additional orders shall not be placed under the contract on the basis of the contractor's prior low bid for identical items. Instead, each such additional quantity shall be considered on a case-by-case basis to determine whether to advertise it or to otherwise solicit competition from available suppliers. When used, this contract obligates funds for the full quantity to be delivered over the contract period upon award and not at the time of placing individual orders designating time and place of delivery or performance.

(b) *Requirements contract*—(1) *Description.* This is another form of term contract wherein, for the full duration of the specific contract period all the needs for a particular item or services are placed with a contractor by a simple order. Each order incorporates the terms and conditions of the basic requirements contract under which the order is placed.

Procuring activities using this contract form shall stipulate a maximum quantity beyond which the contractor is not obligated to deliver the items that may be ordered under the contract. In addition, where possible, such contracts shall obligate the Department by guarantee or otherwise, to order some stated minimum amount of the item in question, thus converting it to an indefinite quantity contract as defined in § 1–3.409(c) of this title. This will thereby protect the Department in the event of drastic changes in the demand or supply of the item or in the event of a technological breakthrough. In the absence of an obligation on the Department to procure a minimum quantity, funds are only obligated when a particular order is placed. The order therefore becomes the obligating document and must contain appropriation symbols and dollar amounts.

(c) *Indefinite quantity contract*—(1) *Application.* When used, this contract can only obligate funds covering the low (i.e., the minimum or guaranteed) end of the range of quantities the Department can purchase. Where there is no obligation on the Department to procure a minimum quantity and where payment is to be made from a central revolving fund (e.g., "Working Capital Fund") the basic contract award shall state that the appropriation data cited is not for the purpose of indicating the obligation, but rather that the money reserved for the purpose of paying invoices under the contract is being identified.

Subpart 29–3.6—Small Purchases

§ 29–3.602 Policy.

It is essential that authority to make small purchases be at the lowest practical operating level.

§ 29–3.602–50 Purchasing authority.

(a) *Definition.* "Purchasing authority" is an authority by which the designated purchasing officer is authorized to issue purchase orders or requisitions which do not involve the solicitation and acceptance of bids or signing of agreements or contracts.

(b) *Delegations.* See §§ 29–1.401(b)(4) and 29–1.451 of this chapter.

§ 29–3.603 Competition.

§ 29–3.603–1 Solicitation.

(a) Quotations or offers may be solicited by use of written request, telegrams, telephone or "in-person" contact, whichever is considered by the purchasing officer to be the most appropriate for the particular translation.

(b) When it is desirable to request quotations from outside the local trade area and time does not permit the use of written solicitations, telegraphic solicitation may be used. Telegraphic solicitations shall not ordinarily be used to solicit prices from local suppliers nor shall they be used if written requests for quotations can be timely made.

(c) In the absence of urgency, and where the estimated dollar amount of the purchase is between $250 and $2,500 quotations shall be obtained from at least three sources of supply. Where there are more than three names on the source list for an item, the suppliers solicited for a particular procurement should include, where practical, the supplier who received the previous award.

§ 29–3.603–2 Data to support small purchases.

When other than the lowest responsive quotation from a responsible supplier is used as the basis for the purchase, documentation of the reason(s) for rejecting any lower quotation and the name of the individual responsible for making the determination to reject such quotation shall be made a part of the purchase file.

§ 29–3.604 Imprest funds (petty cash) method.

§ 29–3.604–3 Agency responsibilities.

The Deputy Assistant Secretary for Administration is responsible for the review and action prescribed by § 1–3.604–3 of this title and for requesting exceptions and additions in accordance with § 1–3.604–5 of this title.

§ 29–3.604–4 Use of imprest funds.

Purchases made from imprest funds shall follow the policy of purchasing satisfactory merchandise at fair prices without favoritism to any vendor. The item to be purchased, its price, and the quantity involved generally govern the action to be taken. If a special item costing only a few dollars is required, a minimum amount of time and expense should be devoted to consummating the transaction. However, where feasible, purchases should be made from firms offering prices most advantageous to the Department. A vendor may be reimbursed by a payment from imprest funds for the cost of the supplies and the parcel post or other delivery charges which he has already prepaid. Payments to common carriers for line haul transportation are not authorized.

§ 29–3.604–6 Procurement and payment.

Purchases through use of imprest funds shall be accomplished as follows:

(a) Administrations and Offices shall submit a requisition, DOL Form D/L 1–1 to the Department's imprest fund cashier showing necessary information such as estimated cost, unit of issue, quantity, description, delivery requirements and appropriation chargeable.

(b) The imprest fund cashier prepares D/L Form 1–110 showing appropriate information.

(c) If the method of purchase is cash upon delivery of merchandise, the vendor's representative shall sign D/L Form 1–110 indicating receipt of cash and will be furnished a copy of the form. One copy shall be forwarded to the requisitioning Administration or Office and the original and two copies retained by the imprest fund cashier.

(d) If the method of purchase requires pick up of the merchandise, Form D/L 1–110 is to be signed by the DOL representative authorized to make the actual purchase upon his receipt of the cash. One copy is retained by the imprest fund cashier. The original and three copies are submitted to the vendor who signs the four copies upon supplying the merchandise and receiving the cash. The vendor may retain one copy. The DOL representative shall return the original and two copies to the imprest fund cashier as well as cash register receipt, sales slip, or invoice, which ever shall be furnished by the vendor. Any excess funds are returned to cashier at this time. The requisitioning Administration or Office shall be forwarded one copy of Form D/L 1–110 and the imprest fund cashier retains the original and two copies.

(e) A purchase for which cash is advanced must be confirmed and the receipt returned not later than the fifth working day following the date of the advance, otherwise the cashier shall take immediate action to recover the cash advanced.

(f) The imprest fund cashier may reimburse Department employees for amounts paid by them for approved purchases. The employee being reimbursed shall furnish the cashier with a vendor's receipt, or its equivalent as described in paragraph (d) of this section, except as otherwise provided. In addition to the vendor's receipt, the appropriation, allotment, and other identifying symbols shall be furnished to the imprest fund cashier on a Form D/L 1–1. Procedures outlined in paragraph (d) of this section will apply except that the vendor's signature on the D/L Form 1–110 will not be necessary.

(g) The cost of cash purchases must be reasonable and controlled by ordinary shopping procedures involving price comparison (competition) and the purchaser shall take advantage of any discounts obtainable.

§ 29–3.604–50 Designation of cashiers.

(a) The Director, Office of Administrative Services, OASA, designates employees as cashiers or alternate cashiers. Upon receipt of the designation and notice of assignment to a position covered by a position schedule fidelity bond, employee is authorized to perform the duties of cashier or alternate.

(b) An alternate cashier functions in the capacity of a cashier during the absence of the cashier and/or where the volume of work requires the cashier to have alternates, in which case funds will be advanced on the following basis: The cashier and the alternate cashier will count the funds advanced in each others presence and shall immediately verify it with each other. A signed receipt for all funds advanced or returned shall be exchanged between the alternate cashier and cashier.

§ 29–3.604–51 Instructions for cashiers.

Prescribed procedures for operating an imprest fund are contained in the Treasury Department "Manual of Procedures and Instructions for Cashiers operating under Executive Order No. 6166." This manual is furnished by the Treasury Department for use by each cashier upon his designation as such.

§ 29–3.604–52 Accountability of imprest funds.

(a) *Custody and safeguarding of funds.* Cashiers shall at all times be able to account for the full amount of the fund, by way of cash on hand, uncashed Government checks, sales slips, invoices, unpaid reimbursement vouchers, or interim receipts for cash. Employees designated to serve as cashiers will act as agents of the disbursing officers who advance them the necessary funds. Since cashiers are personally accountable and responsible for the custody of and payments made from the fund, employees upon whom authority is conferred shall be fully informed of their responsibility. They are required to utilize, to the fullest extent available, means of safeguarding cash advanced to them, and be supplied with suitable facilities for that purpose including locked storage space. Imprest funds shall neither be deposited in any bank, regardless of in whose name or account it is established nor commingled with personal or other funds. Each imprest fund shall be maintained separately.

(b) *Regular transactions.* The cashier shall verify the signature of each DOL representative receiving cash with the signature on the DOL representative's DOL Identification (ID) Card. The ID Card number shall be recorded alongside the DOL representative's signature on the cashier's cash transaction record.

(c) *Doubtful transactions.* When the propriety of any disbursement is doubtful, the cashier may require written acceptance of responsibility from the official authorizing the disbursement. Such written acceptance of responsibility provides the cashier recourse to the official if the disbursement is later disallowed. The cashier may also request an advance written opinion with respect to a doubtful transaction.

(d) *Review of transactions.* Cashiers, including alternates shall periodically test vouchers submitted for payment by verifying the approving officer signature against a specimen signature maintained on file. In addition, the cashier, on selected vouchers, shall contact the approving officer and make a direct verification of the propriety of the vouchers and the amount claimed.

§ 29–3.605 Purchase order forms.

§ 29–3.605–3 Agency order forms.

Department of Labor Form 90, entitled "Purchase Order," is the form prescribed for use by DOL.

§ 29–3.605–50 Cancellation of purchase orders.

Where it is in the Government's best interest, a purchase order may be canceled. Ordinarily, orders should be canceled in writing. In order to maintain good business relations, the vendor should be advised, wherever feasible, of the necessity for cancellation in advance of formal cancellation and his concurrence obtained. The determination as to whether the public interest requires the cancellation of an order should include consideration of any Government liability resulting from the cancellation. Cancellation is generally acceptable to a vendor except where the vendor has already incurred expense in conjunction with the purchase order. In cases where the vendor will not concur in the cancellation and where in effect a contractual relationship exists, the order shall be terminated as prescribed in Subpart 1–8.2 of this title.

§ 29–3.605–51 Duplicate purchase orders.

If the vendor reports non-receipt, loss or other inability to locate an original purchase order and requests another copy, the purchasing officer may issue to the vendor a duplicate copy as his basis of performance. This second issue should be conspicuously marked "Duplicate Copy." To avoid the possibility of a duplicate shipment, a letter of transmittal or a notation on the purchase order should read somewhate as follows:

This is a duplicate copy of the lost original purchase order, furnished in accordance with your request of _____ (Date). The Government will not be responsible for duplicate shipment.

§ 29–3.606 Blanket purchase arrangements.

§ 29–3.606–1 General.

The use of blanket purchase arrangements creates a vendor-agency relationship akin to an open account which has as its objectives the simplification of the ordering and billing in the purchase of small requirements of readily available supplies or services of the same general category. It essentially differs from other small purchase techniques in that purchase orders are not written for each purchase, billing for many items are submitted at preagreed intervals of not less than a month, and many purchases are processed with a single payment. Blanket purchase arrangements may be terminated by either party upon the delivery of written notice to the other.

§ 29–3.606–3 Establishment of account.

Once the requirements of § 1–3.606–3 of this title have been met, the arrangement should be formalized by the issue of a purchase order or other written memorandum.

§ 29–3.606–4 Documentation.

(a) It is the responsibility of the vendor to determine that a purchase chargeable to the Department is made by one who is authorized to purchase from him in the name of the Department. Vendors are generally accustomed to receiving Government purchase orders which they honor even though the signer may not be known to them. This they do somewhat at their own risk. To protect the Department against criticism and the vendor against loss due to unauthorized purchases, any arrangement with the vendor for making purchases without the use of a formal purchase order must be carefully worked out. While no standard documentation of the arrangement is required, it is desirable to have a record of the vendor having been informed.

(1) Who is authorized to make individual purchases;

(2) How purchases will be placed, i.e., by phone, by certain designated persons ordering and picking up supplies from the vendor, etc.;

(3) What the vendor must do to assure that only authorized purchases are made to obtain payment, i.e., prepare an itemized sales slip showing order number, if one is given, and whether it must be signed by an authorized person; send invoice with shipment; give invoice to person picking up supplies; payment to be made once a month, or quarterly, etc.;

(4) What discounts will be given (particularly on repair parts and labor); how time discounts will be handled;

(5) Limitations by class of item, time, or dollar amount.

(b) Because of the possible need for terminating the arrangement, term contracts on prescribed contract forms should be used where contractual agreement is desired and the parties are to be bound.

(c) Each blanket purchase arrangement shall be numbered or otherwise identified in an appropriate manner and shall include reference to the authority of "41 U.S.C. 252(c)(3)."

Subpart 29–3.7—Negotiated Overhead Rates

§ 29–3.705 Procedure.

(a) If the contracting officer has not received an advisory audit report on a proposed contractor, he shall request the cognizant audit office to perform or otherwise obtain an advisory audit if the proposed contract is estimated to be $100,000 or more, and the proposed contract includes reimbursement for overhead costs. The contracting officer shall establish provisional or fixed overhead rates not to exceed the rates as set forth in the advisory audit report. The contracting officer shall also insure that the Government receives the benefit of "off-site" overhead rates. The procedures stated herein shall be applicable to grants if required by the Government program plan.

§ 29–3.707 Cost-sharing rates and limitation on overhead cost.

§ 29–3.707–50 Overhead cost ceiling.

(a) The decision for or against the use of overhead ceiling shall be governed by the contracting officer's determination of the Government's best interests, program and cost considered..

(b) A newly organized, "for profit" contractor may have an unusually high rate of overhead type costs incident to starting a business which is usually manifested in an inordinately high ratio of indirect to direct contract costs. Typically, the first contract of a newly formed contractor will absorb as indirect costs, unless the contracting officer imposes a ceiling, the cost of consumable and other supplies for which outlays are made by the contractor at an extraordinarily high rate consistent with his "start-up" needs.

(c) In those instances where the proposed contractor is a not-for-profit or nonprofit organization and has no alternate source of income to absorb increases in overhead costs after the contract has been negotiated, the contracting officer may consider, in lieu of an overhead ceiling, review-type administrative devices designed to curb extravagant use of indirect costs.

Subpart 29–3.8—Price Negotiation Policies and Techniques

§ 29–3.802 Preparation for negotiation.

(a) *Requests for proposals.* At no time shall a prospective offeror be advised in the RFP or otherwise furnished the Department's cost estimate or the amount of funds it has available to effect a particular procurement. In addition, RFP's shall avoid any statement which while not indicating a specific sum, indicates a range within which that sum may be determined. Exceptions to the above policy shall be limited to the extremely unusual circumstance wherein the parameters of a study proposal are necessarily vague. In such case, the Deputy Assistant Secretary for Administration may authorize the publication in the RFP, or otherwise, an indication of what the Department considers an estimate of either the range in costs or professional labor time (e.g., 2 to 3 man-years) which the contractor will be required to expend to perform the work contemplated. Such range will never be narrowed to the point where the maximum is less than 50 percent more than the minimum. This exception, when authorized, shall be accompanied by suitable language in the form of a disclaimer as to any guarantee of the accuracy of the Department's estimate and inviting proposals, even if they contradict the Department's estimate, with the concomitant assurance that proposals outside the estimated range of the Government's estimate will not be rejected solely for that reason.

§ 29–3.809 Contract audit as a pricing aid.

§ 29–3.809–50 Procedures.

The Assistant Secretary for Administration shall perform or obtain reviews of indirect cost data in the establishment of provisional and fixed overhead rates and the performance of audits as a pricing aid, upon request of a head of a procuring activity. All such requests shall be in writing and directed to the Associate Assistant Secretary for Administration and shall (a) describe the problem; (b) specify the purpose to be served by the audit; and (c) indicate that audit scope and depth desired.

Subpart 29–3.9—Subcontracting Policies and Procedures

§ 29–3.903 Review and approval of contractor's purchasing system and subcontracts.

§ 29–3.903–2 Review and approval of subcontracts.

All cost-reimbursement type contracts shall:

(a) Provide for advance notification and prior approval by the contracting officer of any subcontract thereunder on a cost-reimbursement, time and material, or labor hour basis, and of any fixed-price subcontract or purchase order which exceeds in dollar amount either $25,000 or 5 per centum of the total estimated cost of the prime contract.

(b) Contain a provision that any authorized representative of the Secretary of Labor shall have the right to inspect the contract worksite and to audit the books and records of the prime contractor or any subcontractor of any tier thereunder that is not on a firm fixed-price basis.

§ 29–3.950 Subcontracting by cost-type prime contractors.

Services performed under cost-type prime contracts shall be performed to the fullest extent possible under fixed unit price or fixed-price subcontracts.

Signed at Washington, D.C., this 11th day of June 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-8484 Filed 6-16-71;8:47 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-21a]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 11—LICENSES IN TEMPORARY GRADES OR SPECIAL ENDORSEMENTS ON LICENSES TO PERMIT TEMPORARY SERVICE

Cancellation of Temporary Licenses or Special Endorsements

The purpose of these amendments to the merchant marine officers and seamen regulation is to terminate the special endorsements on regular licenses that allow service in the next higher grade and the special endorsements on steam engineer licenses that allow service aboard motor vessels. The amendments are based on a notice of proposed rule making (CGFR 71-21) issued on April 1, 1971 (36 F.R. 6014).

That notice described the present requirements and the reasons for the amendment. One comment was received in support of the proposal. None opposed it. The amendment is hereby adopted without change and is set forth below.

Effective date. These regulations shall become effective on July 19, 1971.

Dated: June 9, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

Part 11 is amended as follows:

1. By revising paragraphs (a)(1) and (2) and (b) of § 11.01–1 to read as follows:

§ 11.01–1 Application.

(a) The regulations in this part apply to—

(1) "Temporary Third Mate" and "Temporary Third Assistant Engineer" licenses;

(2) Special endorsements on regular licenses as Second and Third Mates and Second and Third Assistant Engineers.

* * * * * *

(b) The applicable regulations in Part 10 of this subchapter apply to all licenses except to the extent that certain requirements in §§ 10.05–1 to 10.10–29 of this subchapter are modified by this part to permit issuance of licenses as "Temporary Third Mate" or "Temporary Third Assistant Engineer".

§ 11.01–3 [Amended]

2. By revoking § 11.01–3(b).

3. In § 11.01–10 by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 11.01–10 Duration of licenses in temporary grades or special endorsements issued pursuant to this part.

* * * * *

(b) Special endorsements (placed on regular licenses under the provisions of

§ 11.15–1 that were in effect before July 19, 1971) held by second and third mates and second and third assistant engineers that allow service in the next higher grade expire on July 19, 1971.

(c) The special endorsement (placed on regular licenses under the provisions of § 11.15–1 that were in effect before July 19, 1971) that allows a first, second, or third assistant engineer of steam vessels to serve on motor vessels is valid for the period of the regular license. The special endorsement may be continued upon the first renewal of the regular license subsequent to obtaining the special endorsement unless sooner canceled or suspended by proper authority as published in the FEDERAL REGISTER. Except as provided in this paragraph, special endorsements shall not be renewed.

§ 11.05–5 [Amended]

4. By revoking § 11.05–5(a).

5. By revising § 11.10–1(a) to read as follows:

§ 11.10–1 Temporary Third Mate.

(a) Any person who meets the requirements in § 10.02–5 of this chapter for an original license but does not have the minimum service or training required for a license as Third Mate in § 10.05–33 or § 10.05–35 of this chapter may apply for a license as "Temporary Third Mate" if—

(1) He has successfully completed a Coast Guard approved maritime training program; and

(2) He is enrolled in that program before July 19, 1971.

* * * * *

6. By revising § 11.10–50(a) to read as follows:

§ 11.10–50 Temporary Third Assistant Engineer.

(a) Any person who meets the requirements in § 10.02–5 of this chapter for an original license but does not have the minimum service or training required for a license as Third Assistant Engineer in § 10.10–21 or § 10.10–23 of this chapter may apply for a license as "Temporary Third Assistant Engineer", if—

(1) He has successfully completed a Coast Guard approved maritime training program; and

(2) He is enrolled in that program before July 19, 1971.

* * * * *

§ 11.15–1 [Amended]

7. By revoking paragraphs (a), (b), (c), and (d) of § 11.15–1.

(R.S. 4405, as amended (46 U.S.C. 375); R.S. 4462, as amended (46 U.S.C. 416); section 6(b)(1), Department of Transportation Act (49 U.S.C. 1655(b)(1)); 49 CFR 146(b))

[FR Doc.8512 Filed 6–16–71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 53, 143]

FOUNDATION EXCISE TAXES

Taxes on Taxable Expenditures; Notice of Hearing

Proposed regulations under section 4945 of the Internal Revenue Code of 1954, relating to taxes on taxable expenditures of private foundations, appear in the FEDERAL REGISTER for March 20, 1971 (36 F.R. 5357).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, August 3, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601 (a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by July 19, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by July 26, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-8644 Filed 6-16-71;10:36 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of limes grown in Florida by establishing grades and sizes recommended by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspected at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. Shipments of limes are currently being made subject to grade and size limitations which became effective June 7, 1971 (36 F.R. 10721). The grade and size requirements specified herein are the same as those in effect during the period June 7-30, 1971, and are necessary to prevent the handling, on and after July 1, 1971, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 911.333 Lime Regulation 31.

(a) Order: During the period July 1, 1971, through April 30, 1972, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided,* That not less than an aggregate area of three-fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in U.S. Standards for Persian (Tahiti) Limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016 of this title).

Dated: June 14, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8538 Filed 6-16-71;8:52 am]

[7 CFR Part 1125]

[Docket No. AO-226-A23]

MILK IN PUGET SOUND MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Puget Sound Marketing Area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Seattle, Wash., on February 9-11, 1971, pursuant to notice thereof issued on January 27, 1971 (36 F.R. 1478).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on May 6, 1971 (36 F.R. 8678; F.R. Doc. 71-6557), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under Issue No. 2(e), following the heading "Updating production history bases", a new sentence is added at the end of the sixth paragraph.

2. Under Issue No. 2(f), following the heading "New producers", paragraph 4 is revised.

3. Under Issue No. 3, "Base rules", a new paragraph is added after the 15th paragraph, two new paragraphs are added following the 16th paragraph, and paragraphs 17 and 21 are revised.

4. Under Issue No. 5, "Administrative provisions", a new paragraph is added following the fifth paragraph.

The material issues on the record of the hearing relate to:

1. Adoption of a revised Class I base plan.

2. Determination of Class I bases for existing producers and new producers.

3. Base rules with respect to (a) transfers; (b) forfeitures; and (c) general application.

4. Provisions for treatment of hardship cases and inequities.

5. Administrative provisions.

6. Continuing provisions in the event of lack of approval by producers or expiration of statutory authority for the Class I base plan.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *The adoption of a revised Class I base plan.* Producers supplying plants regulated by the Puget Sound order should have the opportunity to decide whether returns from the sale of their milk should be apportioned among them by means of a Class I base plan issued in conformity with the Agricultural Act of 1970.

At the present time, producers in the Puget Sound order are paid in accordance with the terms of a Class I base plan originally issued under the authority of the Food and Agricultural Act of 1965. The authority for this plan expires December 31, 1971. The order contains no alternative provisions for distributing returns to producers. It is imperative, therefore, that the order be amended prior to such expiration date to provide some other means of distributing returns among producers.

The purpose of a Class I base plan is to provide machinery for producers in a marketing area to adjust their production to the Class I utilization of the market. While representatives of a majority of producers testified in favor of some form of Class I base plan, there were a variety of views as to the particular provisions that should be incorporated in such a plan.

The present plan during its effective period has presented certain difficulties which could not be remedied because of the limitations of the legislative authority under which it was issued. With its fixed representative period for establishing bases and no mechanism for the entry of new producers, it does not afford the flexibility necessary to meet the changing conditions in the market. Presently, the only means open to a new producer to acquire base, or to an established producer to increase his base, is through purchase of base from another producer. The result is that the Class I bases, which reflect the relationship of Class I sales to production in the market during the years 1964, 1965, and 1966, have not kept pace with the supply-demand situation in the market. The present plan also provides, in accordance with the statute, that any Class I sales in excess of those during the base period and any base which has been forfeited or underdelivered by baseholding producers be reserved for new producers and hardship cases. This has prevented baseholding producers from sharing in the increased Class I sales in the market or benefiting from forfeiture or underdelivery of base. Similarly, the recent decline in Class I sales, resulting from the sagging economy in the Puget Sound area, has affected adversely the returns of nonbaseholding producers whose share of the Class I market is limited to Class I utilization in excess of that during the base period.

Under the Agricultural Act of 1970 greater flexibility is permitted in a Class I base plan. The new plan is designed to adapt to changing supply-demand conditions. Under it new producers coming on the market will be able to earn, over a reasonable period of time, bases comparable to those of other producers. Similarly, it will provide a means whereby any producer desiring to increase his production and thus earn additional base may do so.

Under the plan proposed herein producer bases will be adjusted anually to reflect changing marketing conditions. While the plan provides a means whereby new producers may earn bases and established producers may increase their bases, it also provides that baseholding producers who reduce their marketings will not be adversely affected. This will be accomplished by providing that a producer's production history will not be reduced as long as he markets a volume of milk at least equal to his Class I base.

It is necessary, in accordance with the intent of Congress, that the new plan, in providing for transition from the present base plan, protect those producers who reduced their marketings under the present plan. This is accomplished by providing that a producer whose production history under the present plan is greater than that during the representative period under the new plan will carry forward his former production history.

A number of producers who purchased base under the present plan testified that the production history associated with purchased base should be assigned to them under the new plan. There is no basis, however, for such a transfer of production history. While bases are transferable under the present plan, production history is not. There is nothing in the Agricultural Act of 1970 that would provide a producer credit for production history associated with Class I base purchased prior to the effective date of the new Class I base plan.

Some producers who purchased base testified that they would be deprived of a property right if they were not to receive credit for the production history associated with purchased base. However, in purchasing base producers did so with full knowledge that the Act authorizing the current Class I base plan would expire not later than December 31, 1970.[1] Thus, such producers are not prejudiced by the failure of the Agricultural Act of 1970 to allow them credit with production history associated with Class I base purchased prior to the effective date of a new plan issued under the new statute.

Holders of purchased base generally took the position that, even though the present Class I base plan has had an expected termination date, the Internal Revenue Service has ruled that Class I bases under the Puget Sound milk order "have an indeterminate useful life and are not subject to depreciation" (Rev. Rul. 70-644). That the Internal Revenue Service has held that a purchaser of a Class I base may not depreciate such base for tax purposes, has no bearing on the fact that all bases issued under the present plan must terminate on the effective date of a revised plan. Neither does it alter the fact that production history associated with Class I bases earned under the present plan may not be transferred.

(2) *Determination of Class I bases for existing producers and new producers—* (a) *Description of plan to be adopted.* The new Class I base plan adopted herein generally follows the form of base plan proposed by producer representatives.

Class I bases would be assigned to eligible producers to be effective on the effective date of the new provisions and would be updated on February 1 of each year thereafter. The representative period to be used on each of these dates for assignment of base would be the 3 years (January–December) preceding such date. Each dairy farmer's production during such period credited towards base assignment would be (with certain exceptions) his milk deliveries during the 4 months of lowest daily production for the market in each of 3 years. These months, for the initial computation would be: In 1968, January, February, November, and December; in 1969, January, February, March, and November; and in 1970, January, February, March, and November. The 3-year period would be moved forward 1 year for each updating of producer bases on February 1 of each year.

The production history base of a producer on the market for the full 3 years, subject to rules described subsequently

[1] The Agricultural Act of 1970 permitted Class I base plans issued under the prior Act to be extended through 1971. Accordingly, the current Class I base plan was extended pending the hearing on the new plan.

herein, would be in terms of average daily deliveries. The average daily deliveries would be computed for the 4 months in each year, and then the three resulting amounts would be averaged.

Production history would also be calculated similarly for producers with a 1-year or 2-year period of association with the market, subject to percentage reductions related to their time on the market.

The total of Class I bases to be assigned would equal 120 percent of the total market Class I disposition of producer milk in the previous year, subject to adjustment for new plants entering the market during the year. For the purpose of allocating Class I bases to producers, such quantity would be prorated to the production history base of each producer.

New producers coming on the market would be assigned Class I bases or base milk at a time and in an amount depending on the circumstances of their entry into the market. The various categories of new producers and the manner in which their base assignments would be made are specified in subsequent findings and conclusions.

(b) *Representative period.* With respect to the representative period and computation of production history, the Agricultural Act of 1970 provides:

and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of 1 to 3 years, which will be automatically updated each year.

The representative period used in the plan, as noted above, is a 3-year period.

It was claimed in testimony of producer representatives that using the 4 lowest production months in each year would have advantages over using each full year or certain named months in each year. When producers know in advance the months in which they will earn base, a strong incentive exists to increase production in these months over market needs even if such period historically has been the low production period of the year. Producers contended that under the proposed arrangement, the individual producer, not knowing in which months he will earn base, will have an incentive to level his production throughout the year as well as to hold down his excess milk.

The need for leveling of production seasonally in this market is evident. Production has characteristically varied seasonally in this market. In 1970, the highest level was 4,179,000 pounds of milk per day in May; the lowest level was 3,460,000 pounds per day in January.

More even production would facilitate efficient use of handling facilities since it would be more nearly suited to the relatively steady requirements of the fluid market. It is appropriate to give producers the opportunity to try such method as an aid to the leveling of milk production throughout the year.

In the case of a producer who in the first year of his production was not delivering milk in the specified production history months, a modification of such representative period would be established to give him credit for his deliveries in the September–December period of such year. His September–December deliveries would be subject to adjustment, however, to reflect the change in market level of production in these months compared to the regularly specified months for production history. With this provision, most producers who were on the market in 1968 would have a complete 3-year production history at the beginning of the program. This modification was endorsed by several producer groups.

(c) *Production history periods.* While the base plan would use a 3-year representative period for assigning base to a producer who had been on the market for the entire period, the plan also would allocate Class I bases in lesser amounts to producers who had made milk deliveries for certain periods less than 3 years. The order must prescribe the specific periods which will be used for determining production histories. For convenience in terminology, the periods are designated in the order as 1-year, 2-year and 3-year production history periods.

The "production history period" for a producer who has been on the market for the full 3 years (January–December) preceding the date of base assignment would be the 4 lowest production months on a daily average basis in each year for the entire market. As mentioned previously, the September–December period could be substituted in the first year for the 4 short production months if a producer came on the market later than the first of the 4 low production months. His September–December deliveries would be seasonally adjusted as heretofor described.

The 1- and 2-year production history periods would similarly allow substitution of the September–December period for the producer coming on the market after the first low production month of the year.

A special production history period, for use only at the beginning of the new program, would apply to the producer who began deliveries on the market after September 1, 1970, and who was on the market for at least the 7 months preceding the effective date. This producer would have a production history calculated from his first full 4 months of milk deliveries. It would be necessary to adjust the producer's average deliveries during such months by the percentage relationship of market receipts in the 4 low production months of 1970 to the market receipts in the months used for this producer. Such a special production history period was endorsed by producer groups as an aid in transition from the old plan to the new plan.

(d) *Initial production history bases.* Production history bases at the beginning of the plan would be calculated from the average daily deliveries of each producer during the specified months of each of the years included in his production history period.

The computation of the average daily deliveries for a producer with a 3-year production history period would be made as follows: In each year his milk deliveries in the months specified for production history would be divided by the number of days in such months subject to allowance of not more than 4 days of nondelivery when storm conditions prevent delivery. The daily delivery figures for the 3 years would then be averaged by dividing the sum of them by three and rounding the result to the nearest whole pound.

A limited allowance should be made for interruptions of delivery beyond the control of the producer. For instance, severe storm conditions in December 1968 and January and February 1969 prevented normal delivery of milk in certain supply areas of this market. It is not expected, however, that delivery of milk by a producer of milk will be prevented for more than a day or two at a time because of such natural causes. A provision is included in the order whereby failure of a producer to deliver for as many as 4 days because storms have made the highways impassable will not reduce his daily average of deliveries for such year. Thus, in arriving at the producer's average daily milk deliveries, the total pounds delivered in the production history months of a year would be divided by the number of days in such months but never by fewer than the number of calendar days in these months less four.

If, however, the producer ceased his deliveries for an extended period (60 days or more), he would then forfeit all production history as well as his Class I base.

For assignment of Class I base and production history at the beginning of the new program, a producer will be entitled to the production history base assigned to him under the old plan effective on September 1, 1967, provided he has continued on the market as a producer since that date. Such production history base shall be reduced by the amount specified in § 1125.123(f) of the provisions effective prior to the new plan in the case of a producer who transferred Class I base. If, however, his milk deliveries in 1968, 1969, and 1970 result in a larger production history base, the latter would apply.

Only in the case of intrafamily transfers of Class I bases during the period from September 1, 1967, to the beginning of the new plan, will the production history base associated with the transferred Class I base be credited to the transferee producer.

Under the Class I base plan a method is provided for each producer to share in the Class I milk of the market in relation to his marketings in a representative period of 3 years. Provision must be made, however, for the assignment of bases to producers with a production history of less than 3 years.

A producer's production history base is determined by dividing his deliveries

during specified months in a 3-year representative period by the total number of days in such months. Were this method applied to producers with less than a 3-year production history, the production history base of a producer with a 1-year production history would be equal to one-third of his average deliveries during the months used in computing his production history base. Similarly, a producer with a 2-year production history would have a production history base equal to two-thirds of his average daily deliveries during the applicable months of the 2-year period. Were this method adopted, it would permit a new producer to acquire production history base at the same rate that an established producer with a 3-year production history base may increase his production history base.

Representatives of all producer groups, however, generally supported a proposal which would assign substantially greater production history bases to producers having less than a 3-year production history. Permitting new dairy farmers coming on the market to earn base at an accelerated rate will reduce the incentive to such producers to acquire base by transfer and thus will tend to prevent bases from taking on an unreasonable value.

Nevertheless, in view of the current and anticipated supply-demand situation on the market, the bases assigned new dairy farmers should not be so great as to provide an incentive for substantial numbers of new dairy farmers to become producers on the market. The credit given to partial production history under the plan adopted herein, will contribute to orderly and efficient marketing conditions in that it will give reasonable opportunity for the establishment of new production units, yet will not disrupt the market for established producers.

Under this plan, a producer with a 1-year production history would receive a production history base equal to 60 percent of his average daily deliveries during the applicable months of his first year of production. A producer with a 2-year production history would receive a production history base equal to 80 percent of his average daily deliveries during the applicable months. Bases assigned to new dairy farmers who begin production after the effective date of the new plan will be subject to the further reduction of 20 percent allowed under the provisions of the Agricultural Act of 1970.

The assignment described above will relate each producer's production history base to the portion of the representative period in which he has been engaged in marketing milk as well as the volume of milk marketed. The purpose of the Class I base plan is to allow each producer to share in the Class I milk of the market in proportion to his marketings in a representative period. Thus, a new producer coming on the market should not enjoy the full benefits of the Class I base plan until he has established a full 3-year production history.

(e) *Updating production history bases.* The basic factors to be considered in updating the producer's production history base on February 1, 1972, may be divided into two categories. These are: (1) The production history base previously assigned to him on the effective date of the new plan, subject to adjustments for transfers, underdelivery, and hardship and inequity, and (2) his production during the most recent production history period.

The Act of 1970 provides that a producer may retain his previously assigned production history base although he reduces his marketings, unless the marketings fall below the level of his Class I base. In this case the production history base of a producer would be reduced in the same proportion as the amount of underdelivery bears to his Class I base.

A producer may also modify his previously assigned production history base through transfers. Thus, when under the plan herein adopted a producer disposes of Class I base by transfer, he automatically transfers a proportionate amount of the production history base associated with such Class I base. Accordingly, this amount of production history base will be subtracted from his previously assigned base in arriving at the updated production history base. Similarly, production history base associated with the acquisition of Class I base will be added to his previously assigned production history base. Also, any adjustment for hardship or inequity would be accounted for in terms of the proportionate amount of production history base.

The effect of these three factors, namely, transfers, underdelivery, and adjustment for hardship will determine how much of his previously assigned production base a producer can retain.

The additional computation which must be made for updating a producer's Class I base on February 1, 1972, will be based on his average daily deliveries of milk in the new production history period. This new period will include the months of 1971 specified for calculation of production history base and will exclude the months of 1968 which had been in the previous production history period. If the producer's average daily milk deliveries have increased over the level from which his previous Class I base had been computed, then this increased level will be credited towards an increase in production history base.

With respect to his earlier production, however, not all of it will be creditable towards new production history base if, between the effective date of the new plan and February 1, 1972, the producer has disposed of part of his Class I base by transfer. He will not receive credit in his production history for the milk deliveries from which such transferred base had been computed. The quantity of milk deliveries to be deleted (average daily basis) would be the same percentage of such deliveries as the quantity of transferred Class I base is of the Class I base held before transfer. For subsequent base computations, his average daily deliveries in the year in which the transfer was made also shall be reduced by an amount equivalent to the production history from which the transferred base was computed.

Similarly, if the producer underdelivered his Class I base during any year, the amount of the underdelivery will be converted by the same method to a corresponding amount of average daily deliveries which would be eliminated from his earlier production history. Because the new plan would be effective for only part of 1971, adjustments for underdelivery in 1971 would not apply.

A producer's underdelivery will be calculated by comparing his average daily deliveries during his 4 base-earning months of the year with the average Class I base effective for him on the first day of each such month. This computation recognizes that his effective Class I base may change during the year due to transfers.

After taking into account the various adjustments in the producer's production history, whether due to a change in his production level or elimination of credit for earlier milk deliveries, a new average of daily deliveries during his production history period will be computed. This will determine his new production history base only if it is larger than the alternative computation using his previously assigned production history base adjusted for transfers, underdelivery and hardships as described in earlier findings. The larger of the two will apply.

A producer who previously had been assigned a 2-year production history base would be eligible, after the additional year, for computation of a 3-year production history base. The updating of his production history base would, therefore, give him a Class I base computed in the same manner as for any other producer with a 3-year production history. He would be allowed to retain at least his previous production history base as adjusted for transfers, underdelivery, and hardship. As an alternative, his average deliveries during his new production history period (subject to any loss of credit for deliveries for reasons previously described), if larger, would be his production history base.

For producers who have advanced from a 1-year to a 2-year production history, it will be necessary to treat separately those who have acquired additional base by transfer. For those whose previously assigned Class I base has not been modified by transfers or other adjustments, the computation of the new production history base will be in the same manner as on the effective date of the program, except that the resulting figure would be reduced 20 percent if the production history period began after the effective date of the new plan.

For producers who have acquired Class I base by transfer before completing 2 years of production history, the computation of their production history base will be modified. One example is that of a producer who acquired a Class I base by transfer before being assigned a production history base. By this means

he acquires the production history associated with such Class I base. The acquired production history base of this producer will be updated on the date when the bases of all other producers are updated. Assuming he has gone through a 1-year production history period, he would be credited with one-third of his average daily deliveries during the base earning months. His updated production history base would then be the larger of such resulting figure or the acquired production history base.

Another example is that of a producer who acquired Class I base by transfer after he had been assigned Class I base from a 1-year production history. For such producer, the previously assigned production history base and the production history base associated with the Class I base acquired would be combined.

It is also necessary to determine whether this producer's deliveries on the market since the previous base assignment entitle him to a larger production history base. If his average daily deliveries in the latest year exceeded his previously assigned production history base, as adjusted for transfers, underdelivery or hardship, he would be credited with one-third of the excess.

(f) *New producers.* The new law also requires that a base be assigned to a new producer who comes on the market because the plant to which he has been delivering milk becomes a fully regulated plant under this order. His production history base and Class I base would be determined in the same manner as for a producer who had been on the market, depending on his average milk deliveries and his production history period. Such Class I base would be assigned to him effective on the date on which he becomes a producer as described.

A Class I base will also be assigned to a producer who in previous periods had been a producer-handler. His production history base and Class I base would be computed as if the milk of his production received at his plant had been delivered to a pool plant.

It is required under the new law that a new producer who previously delivered to a nonpool plant and comes on the market as an individual (rather than because the plant to which he had been delivering becomes regulated) shall be assigned a base within 90 days after his first delivery under the order. Such a base shall be assigned only to a producer marketing milk from the same production facilities from which he marketed milk during the representative period. Under the proposed Class I base plan, such a producer will be assigned a Class I base on the first day of the third month after the month in which he began milk deliveries under the order. He would then be assigned a production history base and a Class I base computed from his deliveries to nonpool plants and to pool plants as if all such deliveries had been to a pool plant. Producer milk delivered in the period prior to assignment of base would receive only the Class III price.

There will be some producers who enter the market without any prior production history. For such dairy farmers the law also requires that a base assignment be made within 90 days after the first regular delivery of milk. Such a producer, under the plan adopted herein, will receive the Class III price until the first day of the third month following that in which he begins deliveries of producer milk. After this he will have a Class I base assignment computed as a percentage of his deliveries each month. In this computation the producer's current production should be adjusted for normal seasonal change compared to the last 4 low-production months used in regular base computations. The comparison will be made on a daily average basis. For convenience in computing the adjustment factor, the daily average of market production in the month of the year preceding this calculation corresponding to the current month for which Class I base assignment is being made would be compared to production in the 4 low-production months previously indicated. He would then be given a Class I base assignment for each month which would be 40 percent of such adjusted average daily deliveries, subject to a reduction of 20 percent, and multiplied by the Class I base percentage most recently determined by the market administrator. Such method of assignment would continue until he has a 1-year production history.

Some producers who have been assigned Class I bases may leave the market and return at a later time. If a dairy farmer ceases deliveries for more than 60 consecutive days, his previously assigned Class I base and production history base would be forfeited. Under the proposed Class I base plan, such a dairy farmer upon becoming a producer again on the market, would receive only the Class III price for his milk at least until the first day of the seventh month after leaving the market. Upon returning to the market he would be treated as a new producer to whom Class I base assignment would be made beginning on the first day of the third month following that in which he resumes deliveries, if such date is later than the first day of the seventh month after ceasing delivery. Similar treatment would apply to a producer who disposes of all of his Class I base by transfer.

Obviously, a dairy farmer who disposes of his entire Class I base by transfer does so with the knowledge that he is thereby disposing of his privilege to receive returns for his milk at either the base or excess prices under the order. He would be aware that under these circumstances he will be eligible to receive only the Class III price as long as he has no base.

He would receive, normally, a value in return for the sale of his base. If the value so obtainable by sale is substantial, and the producer could get a new base assignment without delay, there would be a strong incentive for many producers to engage in milk production solely for the returns to be obtained by the sale of Class I base. Such a situation clearly would be contrary to the purpose expressed in the Act of 1970 that bases should not take on an unreasonable value.

A similar situation exists with respect to a producer who ceases deliveries on the market for 60 days and thereby forfeits his base. Except for situations beyond his control (which are covered by the rules applicable to hardship) such cessation of deliveries may be presumed as deliberate and done for the advantage of the dairy farmer.

The Class I base plan should operate to encourage a steady and reliable supply for the market. It would not serve this purpose if a producer could, of his own free will, cease deliveries to the market for an extended period, and then return to the market with the privilege of receiving payment under the plan for Class I base milk in the same amount as before he left the market,

(g) *Allocation of Class I bases.* On the effective date of the new plan and for each February 1 thereafter Class I bases will be assigned to eligible producers. Experience in this market has demonstrated that a 20 percent reserve is necessary to assure an adequate supply for the market. The plan accordingly provides that the total of Class I bases to be assigned will be 120 percent of the Class I milk volume of handlers in the market in the preceding year. The quantity of Class I milk used in this computation would include for 1970:

(1) Total producer milk disposed of as Class I by all regulated handlers during 1970;

(2) Class I disposition of plants which were nonpool plants during part of 1970 and which were pool plants in the second month preceding the effective date of the new plan; and

(3) The Class I disposition of persons who were producer-handlers during 1970 and, in the second month preceding the effective date of the new plan, have producer status.

The total of such Class I disposition during 1970 would be multiplied by 120 percent and averaged on a daily basis. The resulting quantity would be prorated to the production history bases of individual producers. The quantity prorated to each producer will be his Class I base.

For purposes of this proration and for use in production history adjustments when needed, the relationship between Class I base and production history base will be expressed as a percentage called the "Class I base percentage." The Class I base percentage will be computed by dividing the sum of the production history bases into the total Class I base to be assigned, with the resulting ratio converted to a percentage by multiplying by 100 and rounding to the third decimal place.

Each year producers' Class I bases will be updated to reflect changes in Class I sales and production history bases. The Class I milk quantity to be used for the updating would be that disposed of by

handlers in the preceding year including the Class I milk specified in the preceding findings, together with the Class I milk of any former nonpool plant which became a pool plant and held pool plant status in December preceding the February 1 on which the new bases are to be computed. The Class I sales of former producer-handlers would likewise be included if such person were a producer in December preceding the February 1 date.

(3) *Base rules.* The transfer of production history and Class I base is provided for in the Agricultural Act of 1970. Considered by proponents to be an integral part of the base plan as adopted herein, the transfer provisions should be included in this order for several reasons.

By providing an alternative to going through the steps of base building, transfers allow new producers to obtain base quickly and in a manner which will not dilute the base pool. As will become clear later, by acquiring a base by transfer a new producer actually improves the Class I base allocation of existing base holders by strengthening the Class I base percentage. Moreover, he can plan his production in accordance with his Class I base right from the beginning of his operation. A producer building base from his own production must develop a production history which will be in excess of his allotted Class I base. To reduce his production to his Class I base, such a producer would have to reduce his operation, which, after possibly investing in expensive equipment, he may be reluctant to do. Acquiring a base by transfer, therefore, will help a producer adjust his production to his share of the market in a way which can be beneficial to him as well as to existing baseholders.

Transfer of base can also help established producers to adjust the scale of their operations. An established producer can purchase Class I base to cover an increase in his milk production, thus avoiding the necessity of establishing a greater production history himself which will dilute the market's Class I base percentage. A producer desiring to decrease the scale of his operation, perhaps as a result of health or a shortage of labor, will have an incentive to do so. In the absence of transfers, such a producer may have reluctantly continued production at the same level.

While transfers are permitted, bases should not take on an "unreasonable value." Several features of the plan adopted herein should keep bases from taking on an unreasonable value. Unlike the present plan, the new plan allows a new dairy farmer to establish a production history for himself and earn a full base over a 3-year period. The present plan does not provide bases for new producers, but instead, prices a certain portion of the monthly milk of new producers at the base price. New producers share in the Class I sales of the market only if such sales exceed those of the comparable month of 1966. In avoiding the uncertainty of such monthly pricing, the new plan provides a measure of stability for new producers. A new producer is currently forced to buy a base to assure a base price for a portion of his milk production, but will be able to earn a base for himself under the plan adopted herein. Thus, there will be less incentive for a new producer to buy base when he can earn one himself.

Similarly, an established producer may increase his Class I base by building up a greater production history through his own production. Under the existing plan a producer has no recourse but to purchase base if he wishes to increase his base. With the option of earning base himself, such producer will have less incentive to buy additional base under the new plan.

The adopted base transfer provisions also differ from those in the present order in other respects. First, not only the Class I base but also the production history base will be transferable in the adopted base plan, since the Class I base is simply a percentage of the production history base. Unlike the present base plan, Class I bases will be updated annually.

A second important aspect of transfers is that one-third of the Class I base and the production history base associated with it will lapse on each transfer, except intrafamily transfers. The amount of production history base associated with Class I base will be determined by multiplying the total production history base held at the time of transfer by the percent of Class I base transferred. To illustrate, suppose a producer with a Class I base of 300 pounds and a production history base of 500 pounds transfers 150 pounds of his Class I base. The corresponding amount of production history base transferred will be 250 pounds. With a one-third lapse of base, however, the transferee producer will receive only 100 pounds of Class I base and 166⅔ pounds of production history base.

This lapse of base should mitigate any abuse of the transfer privileges and curb some of the transferring arrangements which have been common under the present plan. For example, a producer presently may decrease his production below his base and transfer all or a portion of his Class I base to another producer with the understanding that the base will be transferred back to him once his production has come up to his base. Such transfers will be discouraged in the plan adopted herein by the one-third lapse of base on each transfer.

The one-third lapse of base will be to the advantage of base-holding producers since each transfer will leave less production history to be apportioned to Class I sales in the market. On each transfer of 100 pounds of base, 33⅓ pounds will lapse, thereby strengthening the Class I base percentage used each February 1 to determine the reallocation of Class I base.

The present base plan allows transfer of Class I base in amounts of not less than 100 pounds or the entire base, whichever is smaller. This should be changed to 150 pounds or the entire base, whichever is less. With a one-third lapse of base, a transferor will then transfer 150 pounds of Class I base, but the transferee will only receive 100 pounds of it.

A time limitation on transferring base is another significant part of this new base plan. With the exception of intrafamily transfers, bases which have been computed from a less than 3-year production history period may not be transferred. Thus, a producer who has not yet completed a 3-year base-earning period, but who has received base by transfer, may not transfer base in excess of that which he has received by transfer, except if he transfers the base intrafamily.

This provision will require a producer to demonstrate his ability and willingness to supply the market's needs in a reliable fashion before he may transfer base. It will also prevent dilution of base by producers who don't intend to remain on the market.

A time limitation on transfer of base is also needed for other types of producers. In the absence of some limitation, a producer-handler can easily switch to producer status, be assigned a full Class I base, and then sell it. A 3-year time limitation on the transfer of base by a producer-handler will avert such an unwarranted sale of base. This 3-year period begins from the time the base is first allotted to the producer-handler and applies to any family member who receives this base via the intrafamily transfer provision.

The provision of the present Class I base plan which requires that a producer who desires to become a producer-handler must forfeit the maximum amount of Class I base and production history base held at any time during the preceding 12-month period before he can be designated a producer-handler, is retained in the new Class I base plan. This provision is necessary to assure that such persons do not receive a windfall by having a Class I base available for transfer and simultaneously having exemption as producer-handlers. This forfeiture should also be required if producer-handler designation is to be issued to any member of such a producer's family, any affiliate of such a producer, or any business unit of which such a producer is a part. This is necessary in order to avoid windfall benefits by subterfuge.

A producer may receive a base in this market when the plant he has been shipping to becomes a pool plant. Such a producer should have to wait 1 full year before he is allowed to transfer a base computed from a 3-year production history period. Otherwise, a plant could get a short-term contract in this market and lose it 6 months later. The producers shipping to that plant would naturally sell their allotted base, thereby receiving a windfall gain—clearly not the purpose of this base plan.

A producer who is assigned a Class I base computed from a 3-year production history including deliveries to nonpool plants or of manufacturing grade milk shall not be permitted to transfer such base for a period of 1 year from the date

of assignment except as an intrafamily transfer.

In addition to these restrictions on transferring base, certain restrictions are necessary to discourage producers from selling their bases and earning new bases. A producer who transfers his entire Class I base, therefore, should receive only the Class III price for his milk until the later of the following dates: (1) The first day of the seventh month following the month in which he transfers his base; or (2) the first day of the third month following the month in which he resumes deliveries of producer milk.

It is necessary to insure that a producer who transfers his entire base shall not evade the prescribed waiting period. It is provided, therefore, that the restrictions set forth above shall apply to a person using the same production facilities as had been used by the transferor-producer if such person is a member of the immediate family of the transferor-producer (or is the transferor-producer under a different name). In such case, production of milk using such facilities would be considered as a continuation of the operation by the transferor-producer. This restriction shall apply also to the use of any production facility to which a Class I base has not been assigned, wherever located, operated by a person in which the transferor-producer has a financial interest, if such facility commences production after the effective date of the transfer or if the transferor-producer acquired his financial interest in such person later than 3 months prior to the effective date of the transfer.

The same restrictions shall apply to a producer who has forfeited his base and resumes production either as an individual or as a financially interested party in the new business unit. These restrictions, however, would not apply to a separate production facility in which the producer who transferred or forfeited his base held a financial interest more than 3 months prior to the effective date of the base transfer or forfeiture.

The person who forfeits his base or who sells his entire base and resumes production at a subsequent date, or who continues in production, is not a new producer in the same sense as other nonbaseholding dairy farmers. Therefore, he need not be assigned a base in the same manner or in the same time period as other dairy farmers becoming producers.

An intrafamily transfer involves the transfer of base from the baseholder to a member of his immediate family (including transfers to an estate and from an estate to a member of the family), provided that the transfer implements a continuous operation on the same farm with the same herd. The one-third lapse of base should not apply to an intrafamily transfer.

Intrafamily transfers of Class I base which have occurred under the present base plan maintained a continuous operation and the production history of that operation should, therefore, be considered representative in determining Class I base under the new plan. In addition, any production delivered by the transferor-producer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan; and all restrictions on transferring base applicable to the transferor-producer shall also apply to the transferee.

Another special category of transfers concerns corporations. If a corporation holds base, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of base in compliance with the transfer provisions. Moreover, since corporations may control other corporations, every time controlling interest is transferred to another corporation, there will be a corresponding transfer of base in compliance with the transfer provisions. If a baseholder is the sole holder of the stock of his incorporated farm, however, and passes that stock to a member of his immediate family who continues the operation on the same farm, there will be no lapse of base involved.

Under the present base plan, a producer must notify the market administrator of his intention to transfer Class I base on or before the last day of the month in which the transfer is to be effective. To facilitate administration of the adopted plan, a base transfer request must be filed with the market administrator prior to the first day of the month in which it is to be effective. Even when a farm and herd are transferred with the base, the base transfer request must still be made prior to the first day of the month of transfer.

(4) *Provisions for alleviation of hardship and inequity.* The Agricultural Act of 1970 continues the requirement of the Food and Agriculture Act of 1965 that provision be made for the alleviation of hardship and inequity among producers.

The provisions of the present Class I base plan relating to this matter have operated satisfactorily and should be continued in their present form in the new Class I base plan.

Specifically, provision is made for the establishment of a "Producer Base Committee" to be appointed by the market administrator. This committee shall review the petitions for relief from hardship or inequity referred to it by the market administrator. Detailed guidelines to be followed by the committee are set out. These define the circumstances under which a producer may apply for relief. They represent conditions which are beyond the control of the producer such as acts of God, disease, pesticide residue or condemnation of milk. Conditions over which the producer could have exercised control through prudent precautionary measures are not a grounds for relief. These include such factors as mechanical failure of equipment, inability to obtain adequate labor and similar conditions.

Provision is also made that a producer whose application for relief is rejected may appeal the ruling of the Producer Base Committee to the Director of the Dairy Division.

Because of the modification in the computation of production history bases described above, whereby a producer's base is not reduced if his days of nondelivery in the base period of any year do not exceed 4 days' production, it is expected that there will be fewer requests for relief under the new plan.

(5) *Administrative provisions.* The present Class I base plan contains a provision whereby a base holding producer who delivers a portion of his milk to a nonpool plant shall have his base milk reduced by an amount equal to his Class I base for each day that milk was delivered to the nonpool plant.

This provision was nullified by an amendment to the definition of "producer" effective May 1, 1968 (38 F.R. 6230). As a result of this amendment a producer whose milk is delivered to a nonpool plant, except by diversion, loses his producer status for the entire month. All milk delivered to pool plants by such producer during the month is "other source milk" and not subject to pricing under the order.

The record evidence supports the continuation of the producer definition in its present form. There is no reason, therefore, to include in the base rules a method for dealing with a producer who delivers part of his milk to a nonpool plant.

Under the new plan certain categories of new producers, as described above, receive payment for their milk at the Class III price, rather than at the uniform prices for base and excess milk. The provision of the order relating to the computation of the uniform price and payments to producers are revised to reflect this.

The Agricultural Act of 1970 provides that Class I base plans issued prior to its expiration date, December 31, 1973, may be extended beyond that date but not past December 31, 1976. Such limitation accordingly applies to the proposed plan.

Except as noted above, any changes made in the language of the proposed amendments pursuant to this decision are for the purpose of clarification and do not otherwise affect the essential application of the provisions previously set forth in the recommended decision.

(6) *Continuing provisions in the event of lack of approval by producers or expiration of statutory authority for the Class I base plan.* The order should include provisions for the computation of a uniform price for all producer milk to be used in distributing returns to producers in the event producers, voting individually in a separate referendum, fail to approve the Class I base plan. Such provisions also would be necessary in the event that the statutory authority for Class I base plans should expire while the Class I base plan is in effect if incorporated in the order.

The Class I base plan contained in the current order cannot be continued in effect should the proposed Class I base plan fail to be approved in the referen-

dum. Statutory authority for such a plan no longer exists. Authority for the plan expired on December 31, 1970. However, Congress provided that the plan could be extended for a period of not more than a year to prevent disruption of the market pending amendment of the order, and to provide for an orderly transition from the present Class I base plan to one authorized under the Agricultural Act of 1970.

Some producer witnesses, at the hearing and in their briefs, indicated their opposition to the adoption of a new Class I base plan. They urged that the order provide for payment to all producers of a uniform price for milk, regardless of the production history of the individual producers. Producer witnesses who supported the adoption of the Class I base plan testified that the order should be continued in effect even though the proposed Class I base plan should not be approved by producers voting in a separate referendum. It was the position of the latter group that, in such event, returns should be distributed to producers by means of a uniform price applicable to all producer milk.

For the reasons set forth above, it has been concluded that producers should have the opportunity to decide whether returns from the sale of their milk should be apportioned among producers through a Class I base plan. Incorporation in the order of provisions, either to effectuate a Class I base plan, or to provide for the computation of a uniform price applicable to all producer milk, will afford producers the opportunity to decide which pricing mechanism will be included in the order. It will also provide for the continued functioning of the order in the event statutory authority for the plan should expire while the plan is in effect.

Rulings on Motions

At the beginning of the hearing, one interested party requested the Presiding Officer to postpone the hearing for an additional 60 days. This request was denied by the Presiding Officer. During the course of the hearing the same party requested the Presiding Officer to recess the hearing for a period of 60 days. This motion was likewise denied. After reviewing the record, it is concluded that the Presiding Officer ruled correctly in rejecting the motions to postpone or recess the hearing.

The same parties in their brief requested a reopening of the hearing and a further 60-day extension of time to consider further proposals. Inasmuch as such parties were afforded full opportunity at the hearing to present testimony and because of the urgency of this amendatory action, the further request is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Puget Sound marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval of the Order; Referendum Order To Determine Producer Approval of the Class I Base Plan; Determination of Representative Period; and Designation of Referendum Agent

April 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Puget Sound marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

It is hereby directed that a separate referendum, in which each individual producer has one vote, be conducted to determine whether the proposed Class I base plan of payment to producers, as specified in the attached order, regulating the handling of milk in the Puget Sound marketing area is separately approved or favored by the producers, as defined under the terms of the order, and who during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The agent of the Secretary to conduct such referendum is hereby designated to be Nicholas L. Keyock.

Signed at Washington, D.C., on June 14, 1971.

Richard E. Lyng,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Puget Sound Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Puget Sound marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on May 6, 1971, and published in the FEDERAL REGISTER on May 11, 1971 (36 F.R. 8678; F.R. Doc. 71-6557), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modifications:

1. A revision of § 1125.71 (b), (c), and (g) is added.

2. Amendments 1 and 1a are renumbered.

3. In § 1125.120(a), subparagraph (2) revised.

and subdivision (i) are revised.

4. In § 1125.120(a), subparagraph (3) is revised.

5. In § 1125.120 paragraph (c) is revised.

6. In § 1125.120(c)(1) (ii) and (iii) and (2)(iii) new language is added.

7. In § 1125.120(c), subparagraph (3) is revised.

8. In § 1125.120, paragraph (e) is revised.

9. In § 1125.121(c), subparagraphs (1) and (2) revised and new language is added following paragraph (d).

10. In § 1125.122(b) new language is added, and paragraphs (i) and (j) are revised.

11. In § 1125.123, paragraph (a) is revised.

12. In § 1125.124(c)(3), subdivisions (i) and (ii) are revised.

1. In § 1125.71, the heading and paragraphs (b), (c), and (g) are revised to read as follows:

§ 1125.71 Computation of weighted average price and uniform price for producer milk.

* * * * *

(b) Add or subtract the aggregate of the location adjustments computed pursuant to § 1125.81(a),

(c) Add the aggregate of the values on nonpool milk computed pursuant to § 1125.81(c).

* * * * *

(g) Subtract not less than 4 cents but less than 5 cents from the price computed pursuant to paragraph (f) of this section. The result shall be known as the uniform price for producer milk and the weighted average price for all milk.

1a. In § 1125.72, paragraph (a) is revised as follows:

§ 1125.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(1) The amount computed by multiplying the hundredweight of milk specified in § 1125.71(f)(2) by the weighted average price for all milk;

(2) The amount obtained by multiplying by the Class III price the total hundredweight of milk delivered by all producers described in § 1125.121 (c) and (d) for whom no base milk has been computed; and

(3) The amount computed by multiplying the hundredweight of excess milk by the Class III price for 3.5 percent milk, rounded to the nearest one-tenth cent: *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I price (for 3.5 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

* * * * *

1b. In § 1125.72(c), in both instances, change the reference "(a)(2)" to read "(a)(3)".

2. In § 1125.80, paragraph (a) is revised as follows:

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) * * *

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81;

(2) At not less than the Class III price adjusted by the butterfat differential computed pursuant to § 1125.82 for the quantity of milk received from producers described in § 1125.121 (c) and (d) for whom no base milk has been computed; and

(3) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided,* If by such date such handler has not received full payment for such month pursuant to § 1125.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

* * * * *

CLASS I BASE PLAN PROVISIONS

§ 1125.110 Production history base and Class I base.

For purposes of determination and assignment of Class I base of each producer:

(a) "Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1125.120 (b) or (c).

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.121 for which a producer may receive the base milk price.

(c) "Average daily producer milk deliveries" of a producer in any specified period used for computing production history bases means the total pounds of producer milk delivered by the producer divided by the number of days in the period rounded to the nearest whole pound: *Provided,* That if a producer is prevented from delivering milk during the production history period because of storm conditions, the number of days of nondelivery due to such cause not to exceed 4 days in any year may be deducted from the total number of calendar days in the period.

§ 1125.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month; and

(2) Milk received from a producer to whom no Class I base has been issued, in the amount determined pursuant to § 1125.121 (c) or (d).

(b) "Excess milk" means milk in excess of base milk received during any designated period from a producer who during such period is delivering base milk.

§ 1125.120 Computation of production history base for each producer.

A "production history base" as defined in paragraph (b) or (c) of this section shall be determined by the market administrator for each producer eligible

for such base on the effective date of this provision and on February 1 of each year thereafter. The computation of production history base shall be subject to adjustments described in paragraph (c) (1) of this section due to acquisition or disposition by transfer of Class I base or other modifications of Class I base due to hardship or loss of Class I base because of underdelivery of base. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his production during the designated period without interruption sufficient to cause forfeiture of base pursuant to § 1125.123(a); during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer; and during no year of his production history period were his average daily producer milk deliveries subject to negative adjustments pursuant to paragraph (c) (1) of this section resulting in a zero quantity. If such adjustment results in a zero quantity of average daily deliveries, the producer shall have a 1 year production history period and a corresponding production history base, not subject, however, to the 20 percent reduction provided in paragraph (c) (3) of this section.

(a) "Production history period" means the period to be used for the computation of production history base for a producer. Production history periods for this purpose are as follows:

(1) The production history period for a producer who has been on the market during the 3 years (January–December) preceding the determination of his production history base shall be the 4 months of each such year during which the average daily receipts of total producer milk in the market were lowest for the year. The period described in this subparagraph shall be known as a 3-year production history period.

(2) The production history period for a producer who has been on the market for a lesser period than specified in subparagraph (1) of this paragraph but beginning on a date not later than September 1 of one of the three preceding years (January–December) shall be:

(i) In the first year, the months specified in subparagraph (1) of this paragraph if the producer were on the market during the first full month so specified, otherwise the months of September through December, of such year; and

(ii) In any other years preceding the determination of his production history base, the 4 months of each year specified in subparagraph (1) of this paragraph;

(iii) Periods described in this subparagraph shall be known as 1-year, 2-year or 3-year production history periods depending on whether deliveries began in the first, second, or third year, respectively, preceding determination of production history base;

(3) The production history period for a producer who has been on the market during a period beginning after September 1, 1970, and who delivered producer milk in each of the 7 months preceding the effective date of this provision shall be the first 4 full months of delivery on the market. Such period shall be known as a 1-year production history period. For any such producer, the milk deliveries of the same 4 months shall be used in subsequent updating of production history bases to represent the milk deliveries of such producer in 1970. When a producer has acquired the herd and farm of a member of his immediate family (either before or after the effective date of this provision) and has continued to operate that farm and herd as a continuous operation, the deliveries made by the previous producer during the base earning period shall be assumed to have been delivered by the current producer for use in computing a production history base.

(b) The production history base for each producer on the effective date of this provision shall be determined by the market administrator as follows:

(1) If the production history period of any producer includes in any year months other than those specified pursuant to paragraph (a) (1) of this section, the average daily producer milk deliveries of such producer in the months used in his production history period shall be adjusted as follows: Multiply the producer's average daily producer milk deliveries by the ratio of average daily total producer milk in the market in the 4 months of the year specified in paragraph (a) (1) of this section to the average daily total producer milk in the market in the months used for such producer; except that for a producer described pursuant to paragraph (a) (3) of this section, the 4-month period specified in paragraph (a) (1) of this section shall be the applicable months in 1970.

(2) For a producer who was issued a Class I base pursuant to the provisions which became effective on September 1, 1967, and thus had a "production history base" which he had earned pursuant to the provisions then effective, and who has continued on the market as a producer since the issuance of such base, the production history base pursuant to this subparagraph shall be the larger of (i) the "production history base" assigned pursuant to the provisions effective September 1, 1967, reduced by the amount specified in the provision made effective September 1, 1967, in § 1125.123(f) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base determined pursuant to subparagraph (3) of this paragraph. This provision shall apply also to the production history base of a Class I base effective September 1, 1967, if now held by a producer who received it from the original holder by intrafamily transfer, or through a succession of intrafamily transfers.

(3) For a producer with a 3-year production history period, the production history base shall be the sum of his average daily producer milk deliveries each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph if applicable) divided by 3.

(4) For a producer with a 1-year or 2-year production history period, the production history base shall be the sum of his average daily producer milk deliveries in each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph, if applicable) divided by the number of years in the production history period and multiplied by 60 percent for a 1-year production history period or by 80 percent for a 2-year production history period.

(5) A production history base shall be assigned to producers on the effective date of this provision who qualify for such base pursuant to paragraphs (d), (e), and (f) of this section.

(c) The production history base for each producer who has not disposed of his entire base by transfer, or who after disposing of his entire base by transfer has met the delivery requirements described in § 1125.121(d), shall be determined by the market administrator on February 1 of each year as follows:

(1) In updating a production history base as described in this paragraph, adjustments to a producer's previously assigned production history base and/or average daily producer milk deliveries in prior years shall be made as follows:

(i) If a producer's average daily producer milk deliveries in the combined period of the four production history months of the preceding year is less than the average of such producer's Class I base effective on the first day of each such month, the amount of such difference shall represent a reduction in Class I base. Such reduction shall not apply, however, in the updating of bases on February 1, 1972.

(ii) The prior production history base assigned to such producer shall be adjusted in proportion to the net change in Class I base due to acquiring or disposing of Class I base by transfer, adjustment of Class I base for hardship, or because of underdelivery of Class I base. The adjustment factor shall be determined by dividing the Class I base last held by the producer in the preceding January (after any adjustment pursuant to subdivision (i) of this subparagraph), by the amount of Class I base issued on the preceding February 1 or effective date of this provision.

(iii) The average daily producer milk deliveries for which a producer will receive credit in his production history in the current year and in years prior to any net disposal of Class I base by transfer or reduction due to underdelivery shall be adjusted in proportion to the net change in Class I base. The adjustment factor shall be the Class I base issued on the previous February 1 (or effective date of this provision) less the net amount of Class I base disposed of by transfer since such date and the amount of reduction of Class I base pursuant to subdivision

(i) of this subparagraph, divided by the amount of Class I base issued on the preceding February 1 (or effective date of this provision).

(iv) If the combined effect of such adjustments is a reduction greater than the respective production history base or average daily producer milk deliveries subject to such adjustments, then the resulting amount after adjustment shall be zero and any year for which a zero amount is determined shall not be regarded as a production history period.

(2) For a producer with a 3-year production history period, the production history base shall be one-third of the sum of the amounts pursuant to subdivisions (i), (ii), and (iii) of this subparagraph, or the amount pursuant to subdivision (iv) of this subparagraph, whichever is larger:

(i) His average daily producer milk deliveries in the specified months for production history in the first year (adjusted pursuant to paragraph (b)(1) of this section, if applicable) reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(ii) His average daily producer milk deliveries in the specified months for production history in the second year of his production history period, reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(iii) His average daily producer milk deliveries in the specified months for production history in the most recent year of his production history period reduced by any adjustments pursuant to subdivision (1)(iii) of this subparagraph which are applicable to a net disposal of Class I base by transfer;

(iv) The production history base assigned to such producer on the preceding February 1 (or effective date of this provision) subject to any adjustments pursuant to subparagraph (1) of this paragraph.

(3) For a producer with a 1- or 2-year production history period who did not acquire Class I base by transfer from another producer, the production history base shall be the sum of his average daily producer milk deliveries for each year (calculated in the same manner and subject to the same type of reductions as described in subparagraph (2)(i) of this paragraph) divided by the number of years in his production history period and multiplied by 60 percent if the producer has a 1-year production history period or by 80 percent if he has a 2-year production history period. The resulting quantity shall be subject to a further reduction of 20 percent in the case of any producer who began deliveries after the effective date of this provision or who is a producer described in § 1125.121(d).

(4) For a producer who has acquired a Class I base by transfer from another producer prior to assignment of a production history base computed from deliveries of his own milk production, the production history base to be assigned on the February 1 following a 1-year production history period of such producer shall be the larger of the amounts computed pursuant to subdivision (i) or (ii) of this subparagraph, and on the February 1 following a 2-year production history period shall be the amount computed pursuant to subdivision (iii) of this subparagraph.

(i) The production history base associated with the Class I base acquired, adjusted pursuant to subparagraph (1) of this paragraph.

(ii) One-third of his average daily producer milk deliveries in the specified production history months of the preceding year (adjusted pursuant to paragraph (b)(1) of this section, if applicable).

(iii) The production history base last assigned on a February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(5) For a producer who has been assigned a production history base calculated only from deliveries of his own milk production during a one-year production history period and who since such assignment has acquired Class I base by transfer from another producer, the production history base of such producer on February 1 following such acquisition of Class I base shall be the production history base last assigned to such producer on the effective date of this provision or on the latest preceding February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(d) For each producer not subject to § 1125.121(d) who became a producer for this market after January 1, 1968, because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible, pursuant to paragraph (b) or (c) of this section based on his deliveries of milk as if the nonpool plant to which he delivered were a pool plant during the 3 preceding years.

(e) A producer not described pursuant to paragraph (d) of this section who delivered milk to a nonpool plant or who delivered manufacturing grade milk to a pool plant prior to becoming a producer, and who is not subject to the provisions of § 1125.121(d), shall have a production history base effective on the first day of the third month after the month in which he began deliveries of producer milk to a pool plant if a production history base can be computed pursuant to paragraph (b) or (c) of this section based on deliveries of milk from the same farm on which he is now a producer as if the plant(s) to which he delivered had been a pool plant(s) during the 3 preceding years.

(f) For a producer who held producer-handler status during any part of the production history periods specified in paragraph (a) of this section, a production history base shall be calculated as prescribed in paragraph (b) or (c) of this section as though the milk of his own production received at his producer-handler plant had been received at a pool plant.

(g) With respect to computation of production history bases pursuant to this section the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified production period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period, except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.14(b)(1).

(2) Only one production history base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly used, owned, or operated.

§ 1125.121 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on February 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in paragraphs (d), (e), and (f) of § 1125.120 when they are issued production history bases. Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding calendar year from the following:

(i) Class I producer milk pursuant to § 1125.46(c),

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding December, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding December.

Multiply the sum by 1.20 and divide the result by the number of days in such year: *Provided,* That on the effective date of this provision, comparable Class I disposition for the year 1970 will be determined, including that of former nonpool plants and producer-handlers which in the second month preceding the effective date were, respectively, pool plants and producers.

(2) Divide the quantity computed pursuant to subparagraph (1) of this paragraph by a quantity which is the total of production history bases computed pursuant to § 1125.120. The result shall be converted to a percentage by

multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage."

(b) The Class I base of each producer with a production history base shall be determined by multiplying his production history base by the "Class I base percentage."

(c) A producer, other than a producer pursuant to paragraph (d) of this section, who has no production history base shall be assigned base milk each month effective on the first day of the third month after the month in which he began deliveries of producer milk. Such base milk for each month prior to the first February 1 on which he is eligible for a Class I base shall be computed as follows:

(1) Multiply the quantity of producer milk delivered by the producer during the month by the ratio of average daily total producer milk in the market in the last 4 months described in § 1125.120(a)(1) used in the computation of production history base for assignment on the effective date hereof or on the February 1 preceding this computation to the average daily total producer milk in the market in the month of the year preceding this calculation which corresponds to the current month for which Class I base assignment is being computed.

(2) Multiply the quantity resulting from the computation pursuant to subparagraph (1) of this paragraph by 40 percent and by the Class I base percentage, and if such producer began production after the effective date of this provision, or is a producer described in paragraph (d) of this section, subtract from the resulting quantity 20 percent of such quantity, rounding in either event to the nearest whole number.

(d) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) (1) and (2) of this section, such assignment to be effective on the later of the following dates: the first day of the third month after the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base. The production history period of such producer shall begin on the later of the following dates: the date on which he first received payment for base milk or the first day of the first month eligible for use in a production history period pursuant to § 1125.120(a). In the application of this provision, use of the same production facilities by another person (or the same person under a different name) to produce milk after the above described forfeiture or transfer of base shall be considered as a continuation of the operation by the previous operator if the new operator is a member of the immediate family of the previous operator. It shall be applied also to any production facility to which a Class I base has not been assigned, wherever located, operated by a person in which the producer who forfeited or transferred his base has a financial interest if such facility commences production on or after the effective date of the transfer or forfeiture, or such producer acquired his financial interest in such person later than 3 months prior to the effective date of the base transfer or forfeiture.

§ 1125.122 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of both the production history base and the Class I base associated with it at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred.

(b) The market administrator must be notified in writing by the holder of the Class I base prior to the first day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of base to be transferred if less than the entire Class I base held by the transferor.

(c) It must be established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section.

(d) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer).

(e) A transfer of Class I base may be made in amounts of not less than 150 pounds or the entire base, whichever is smaller. The amount of base credited to the transferee shall be two-thirds of the Class I base disposed of by the transferor producer.

(f) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer.

(g) A transfer of a complete Class I base of a producer to a person who does not hold a Class I base will be effective on the date of transfer of herd and farm, or on the first day of the month if no herd and farm is transferred, provided in either case that a base transfer request was made to the market administrator on or before the first day of the month of transfer.

(h) An intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family) will not be subject to a one-third lapse of base, provided that the transfer implements a continuous operation on the same farm with the same herd. All restrictions on transferring base applicable to the transferor producer shall also apply to the transferee.

(i) A producer who receives a base pursuant to § 1125.120 (d) or (e) may not transfer such base, other than pursuant to paragraph (h) of this section, for 1 year from the date of receipt or such later date as provided in paragraph (k) of this section.

(j) A producer-handler who becomes a producer and receives a base may not transfer that base for a period of 3 years from the date of receipt, except to a member of the immediate family pursuant to paragraph (h) of this section.

(k) A base which has been computed from a less than 3-year production history period may not be transferred, except as an intrafamily transfer pursuant to paragraph (h) of this section.

(l) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules therein.

§ 1125.123 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues delivery of producer milk for a period of 60 consecutive days after a Class I base is issued to him shall forfeit his production history, together with any Class I base and production history base held pursuant to the provisions of this order, except that a person entering the military service may retain them until 1 year after being released from active military service.

(b) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(c) As a condition for designation as a producer-handler pursuant to § 1125.14, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forfeit the maximum amount of Class I and production history base held at any time during such 12-month period.

§ 1125.124 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1125.120 through 1125.123 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on

each succeeding February 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds, or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.123(a);

(4) Loss or potential loss of Class I base because of underdeliveries pursuant to § 1125.120(c)(1);

(5) Inability to transfer base due to the provisions of § 1125.122 (i), (j), or (k);

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.123(b) with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3), (4), or (5) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), (4), or (5) of this section, grant or adjust production history bases and average daily producer milk deliveries for prior years where it appears appropriate, delay forfeiture of Class I base, restore forfeited base or reduced average daily producer milk deliveries where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of additional production history base and average daily producer milk deliveries for prior years where it appears appropriate and the effective date thereof of such adjustment. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.88 for their services at $20 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

Computation of Uniform Price for Producer Milk

The following provisions are necessary to effectuate the continued operation of the order in the event producers voting individually in a separate referendum fail to approve the Class I base plan or if the statutory authority for such a plan is terminated while it is in effect after its incorporation in the order. In such event, the preceding order provisions shall be modified as specified below.

1. In § 1125.22, paragraphs (j)(1)(iii) and (k)(2) are revised to read as follows:

§ 1125.22 Duties.

* * * * *

(j) * * *

(1) * * *

(iii) Uniform price for producer milk.

* * * * *

(k) * * *

(2) On or before the 13th day of each month the uniform price for producer milk computed pursuant to § 1125.71 and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month.

* * * * *

2. In § 1125.35, paragraph (a)(2) is revised by deleting the words "the pounds of base and excess milk."

3. In § 1125.71, the subheading is changed to read: "Computation of weighted average price and uniform price for producer milk." The second sentence of paragraph (g) is revised to read as follows: "The result shall be known as the uniform price for producer milk and the weighted average price for all milk."

4. Section 1125.72 is revoked.

5. In § 1125.80, paragraph (a) is revised to read as follows:

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month each handler shall make payment to each producer for the milk received from such producer during such month at not less than the uniform price for producer milk adjusted by the butterfat differential computed to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided*, If by such date such handler has not received full payment for such month pursuant to § 1125.85, he should not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payments uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

* * * * *

6. In § 1125.81, paragraph (a) is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), deductions may be made per hundredweight of milk received from producers at the respective plant locations at the same rate per hundredweight as is specified for Class I milk in the table set forth in § 1125.53.

* * * * *

7. In § 1125.82, the words "for base milk and for excess milk" are deleted.

8. The centerhead "Class I Base Plan Provisions" following § 1125.101, and §§ 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124 are revoked.

[FR Doc.71-8539 Filed 6-16-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-56]

FOX RIVER, WIS.

Drawbridge Operation

The Coast Guard is considering revising the regulations for the State of Wisconsin highway (George Street) bridge

across the Fox River, mile 7.2, De Pere, Wis., to require that the draw open on signal from 8 a.m. to 6 p.m. The draw is presently required to open on signal from 10 a.m. to 8 p.m. This change is being considered because vessel movements occur most frequently between 8 a.m. and 6 p.m. and the De Pere dock located immediately north of the bridge begins operations at 8 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District (oan), 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before July 20, 1971, and his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.643(b)(3) to read as follows:

§ 117.643 Fox River and Portage Canal, Wis.

* * * * *

(b) * * *

(3) The draw shall open promptly on signal from 8 a.m. to 6 p.m. during the regular navigation season upon 3 blasts of a whistle or horn. If the draw cannot be opened promptly a red flag or ball by day, or a red light at night shall be conspicuously displayed.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: June 11, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-8513 Filed 6-16-71;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-114]

CONTROL ZONE

Proposed Redesignation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the Winston-Salem, N.C., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Winston-Salem control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile-radius zone to the LOM.

This proposed redesignation is required to permit change from a part-time to a full-time control zone. The Greensboro ATC Tower now has the required communications capabilities at Smith Reynolds Airport and the U.S. Weather Bureau provides the required weather observation and dissemination service.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 9, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8505 Filed 6-16-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-108]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Bardstown and Elizabethtown, Ky., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Bardstown and Elizabethtown transition areas, described in § 71.181 (36 F.R. 2140), would be redesignated as follows:

BARDSTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50'52" N., long. 85°29'00" W.), extending from the 5.5-mile-radius area to 8.5 miles north of the RBN.

ELIZABETHTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile-radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Bardstown and Elizabethtown terminals in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8506 Filed 6-16-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-109]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ashland, Ky., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the

FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Ashland transition area, described in § 71.181 (36 F.R. 2140), would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport (lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 116° radial, extending from the 8-mile-radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Ashland terminal in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8507 Filed 6-16-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Oxford, Conn., transition area.

A new NDB instrument approach procedure for Waterbury-Oxford Airport, Oxford, Conn., will require designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Oxford, Conn., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Oxford, Conn., 700-foot-floor transition area as follows:

OXFORD, CONN.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius area of the center of 41°28'45" N., 73°08'10" W. of Waterbury-Oxford Airport, Oxford, Conn., and within 4 miles each side of the Oxford, Conn., RBN (41°31'45" N., 73°08'36" W.) 354° bearing extending from the 7-mile-radius area to the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 2, 1971.

GEORGE M. GARY,
Director, Eastern Region.

[FR Doc.71-8508 Filed 6-16-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-59]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Tiffin, Ohio, transition area over Seneca County Airport, Tiffin, Ohio.

The VOR instrument approach procedure for Seneca County Airport requires designation of a 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Tiffin, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Tiffin, Ohio, 700-foot-floor transition area as follows:

TIFFIN, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°05'38" N., 83°12'45" W. of Seneca County Airport, Tiffin, Ohio.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 4, 1971.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-8509 Filed 6-16-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-56]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Pittstown, N.J., transition area over Sky Manor Airport, Pittstown, N.J.

A new VOR-6 instrument approach procedure for Sky Manor Airport will require designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in

triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pittstown, N.J., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Pittstown, N.J., 700-foot-floor transition area as follows:

PITTSTOWN, N.J.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius area of the center of 40°33'59" N., 74°58'43" W. of Sky Manor Airport, Pittstown, N.J., and within 3 miles each side of the Solberg, N.J., VORTAC 265° radial extending from the 7-mile-radius area to 22 miles west of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 4, 1971.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-8510 Filed 6-16-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Elkins, W. Va., control zone (36 F.R. 2077) and transition area (36 F.R. 2181).

A review of the airspace requirements for the Elkins, W. Va., terminal area indicates that we will require alteration of the control zone and 700-foot-floor transition area to protect aircraft executing the revised VOR and new NDB instrument approach procedures for Elkins-Randolph County Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Elkins, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elkins, W. Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 38°53'20" N., 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile-radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elkins, W. Va., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 38°53'20" N., 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 4 miles each side of the Elkins VORTAC 098° radial extending from the 6.5-mile-radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 4, 1971.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-8511 Filed 6-16-71;8:49 am]

[14 CFR Part 93]

[Docket No. 9974; Notice No. 71-15A]

HIGH DENSITY TRAFFIC AIRPORTS

Extension of Comment Period

The Federal Aviation Administration proposed in NOTICE 71-15, published in the FEDERAL REGISTER on May 18, 1971 (36 F.R. 9029), to amend Part 93 of the Federal Aviation Regulations to extend for 1 year the special air traffic rule for High Density Traffic Airports, and to suspend the allocation and reservation requirements for operation into and out of Kennedy International and O'Hare International Airports, in addition to the present suspension of those requirements at Newark Airport.

The Air Transport Association has requested an extension of time for submission of comments to July 1, 1971, in order to assess all related implications raised by the notice, in particular the desirability of maintaining appropriate scheduling committee functions in view of the proposed suspensions of requirements.

I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, the time within which comments on NOTICE 71-15 will be received is extended to July 1, 1971.

Issued in Washington, D.C., on June 15, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service, AT-1.

[FR Doc.71-8646 Filed 6-16-71;10:02 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-74; Notice No. 71-16]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cylinders Manufactured Outside United States

Correction

In F.R. Doc. 71-8101 appearing at page 11224 in the issue for Thursday, June 10, 1971, the date reading "September 9, 1971" in the fifth line of the first column on page 11225 should read "September 14, 1971".

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 15)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Reservation of Vehicle Space by Shippers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of June 1971.

This rulemaking proceeding is being instituted here on our own motion in order to study the extent to which certain provisions of the Interstate Commerce Act, and the letter and spirit of the regulations of this Commission specifically applicable to motor common carriers of household goods, are or may be violated or in any way circumvented by such motor carriers through the misapplication, deliberately or otherwise, of rules published in their tariffs or by any other means which are purported to provide the opportunity for shippers to reserve in advance space on a carrier's vehicle for the transportation of shipment of household goods. This proceeding is also being initiated to consider the need for requiring all motor common carriers of household goods (a) to obtain from a shipper of household goods a separately executed order for the reservation of a portion of the capacity of a vehicle; and (b) to maintain a separate written record of the manner in which such space reservation orders are obtained and shipments thereunder are handled by the carriers.

Section 216(b) of the Act requires every motor common carrier of property to provide safe and adequate service, equipment, and facilities for the transportation of property in interstate or foreign commerce, and every certificate of public convenience and necessity issued contains a condition that the holder thereof shall render reasonably continous and adequate service to the public. Section 217(b) of the Act requires that the provisions of the carriers' tariffs filed with this Commission be strictly observed and that no carrier shall charge, demand, collect, or receive a greater or less or different compensation for transportation service than the applicable charges specified in its tariff. From time to time this Commission has received complaints from shipppers and receivers of freight that, in their judgment at least, the services provided by motor carriers have been less than adequate or that their charges have been inappropriate. Given the range of demands for service that are placed upon motor carriers, the occasional receipt of reports of justifiable dissatisfaction by the customers of motor carriers is, in itself, not surprising. As we have indicated on a number of occasions in the past, however, no segment of the motor carrier industry has generated a greater volume of service complaints filed with this Commission than have the motor common carriers of household goods. The failure in many instances of these carriers equally and fairly to provide service to the public has given rise to the need for constant surveillance and examination of carrier practices by this Commission in order to insure that, during the time of stress that is often a concomitant part of the move by a family from one residence to another, carrier duties are fully met. Moreover, the usual lack of familiarity of the members of the average family with their rights and responsibilities and those of the carriers transporting most of their worldly possessions has led to the gradual development by this Commission of what is now a set of comprehensive regulations applicable to the motor transportation of household goods.

In two recently completed proceedings [1] those regulations were exhaustively revised and soon thereafter completely reviewed and analyzed. There are now pending at least three other proceedings [2] in which certain portions of those rules are being reexamined and specific carrier practices or requests are being given particular attention. It has been this Commission's consistent belief that if the shipper and carrier are fully informed as to the needs, desires, abilities, and intentions of each other, the likelihood that the contemplated transportation service will be properly performed is greatly enhanced. Despite our recent extensive efforts and our abiding belief in both the good intentions and competence of most certificated carriers of household goods, this Commission recognizes, too, that there is a need for our continuous oversight of carrier practices and our constant review of applicable regulations so that the latter are both viable and responsive to the ever-changing needs and desires of the public. It is in this latter sense, therefore, that we believe it is now appropriate that we review the circumstances surrounding the use by carriers of certain rules published in their tariffs which conceivably could be violative of the Act and do much to circumvent the letter and spirit of our revised regulations.

Set forth in Appendix A hereto [3] are examples of three similar rules published by carriers in their tariffs which purportedly provide shippers of household goods with the opportunity to reserve in advance a portion of the capacity of a carrier's vehicle. Set forth in Appendix B to this notice [3] is an excerpt from a letter in which a carrier agent, in response to an inquiry made on behalf of a shipper, stated that it had employed its principal's tariff rule (the rule appears as item No. 3 in Appendix A) for reservation of vehicle space in order to provide the carrier with greater revenue than otherwise would have been derived on the transportation from Washington, D.C., to Richmond, Va., of a small shipment of household goods. In these circumstances, it seems that an opportunity clearly exists for carriers to persuade uninformed shippers to reserve a portion of the capacity of a vehicle and under that guise improperly charge a higher effective rate for their services.

One advantage of the type of tariff rule here involved is that shippers may, under certain circumstances, be assured that their goods will be transported together in the same vehicle at the same time. Perhaps this is the only advantage of such rules to shippers. An unsophisticated shipper of household goods may well believe, however, especially after carrier persuasion, that he must reserve vehicle space in advance of the day on which his shipment is to be picked up. Moreover, there does not appear now to be available any means by which a shipper or this Commission may determine if that which the shipper has requested and paid for has been provided by the carrier.

It is, therefore, both desirable and necessary at this time that we investigate the nature and scope of carrier rules and practices with respect to the reservation by shippers of household goods of a specific portion of the capacity of a carrier's vehicle, as well as the need to require carriers to maintain adequate or additional records of their handling of such shipments. Our investigation, among other things, should include a determination whether the proposed regulations set forth in Appendix C to this notice should be adopted, as well as whether this Commission should take such other and further action as the facts developed in this proceeding may justify or require.

It is for these purposes that the instant rulemaking proceeding is instituted.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) including 204(b), 208(a), 212(a), 216 (b), (d), and (i), 217, 220(a), and 222(g), thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the adoption of the proposed regulations set forth in Appendix C to this notice, or other regulations of similar purport applicable to motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods op-

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[1] Ex Parte No. MC-19 (Sub-Nos. 8 and 11), Practices of Motor Common Carriers of Household Goods, 111 M.C.C. 427 and 112 M.C.C. 485, respectively.

[2] Ex Parte No. MC-19 (Sub-No. 12), Practices of Motor Common Carriers of Household Goods (request for modification of certain rules), (Sub-No. 13), Petition for Declaratory Order (pertaining to applicability of household goods freight charges); and (Sub-No. 14), Practices of Motor Common Carriers of Household Goods (Reweighing of Shipments).

[3] Appendices A and B filed as part of original document.

erating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Comission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before July 21, 1971, the original and one copy of a statement of his intention to participate; that this Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

NOTE: Written material or suggestion submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX C

Proposed modifications of regulations in 49 CFR Part 1056:

1. Insert the following in lieu of present paragraph (b) of § 1056.8; present paragraphs (b), (c), (d), and (e) will be redesignated as paragraphs (c), (d), (e), and (f), respectively, and other references to these paragraphs elsewhere in the regulations will be modified accordingly.

§ 1056.8 Estimates of charges.

* * * * *

(b) *Estimates based on space reservation prohibited.* Carrier estimates made in compliance with this paragraph shall not be based upon the specific reservation by a shipper of a portion of the capacity of a vehicle as provided in § 1056.9(c).

* * * * *

2. In § 1056.9, insert in lieu of present subparagraph (7) of paragraph (a) the following new subparagraph (7) and insert after present paragraph (b) the following new paragraph (c):

§ 1056.9 Order for service.

(a) *Order for service required.* * * *

(7) Except as provided in paragraph (c) of this section, a complete description of special services ordered.

* * * * *

(c) *Reservation of vehicle space by shipper; separate order and record of handling.* Whenever a shipper shall request a carrier to reserve a portion of the capacity of a vehicle for the transportation of a shipment of household goods, the carrier (1) shall cause to be prepared, at least in duplicate and in the form prescribed below, a separate additional service order therefor signed by the shipper and carrier, or their agents or representatives; (2) shall deliver a legible copy thereof signed by the carrier or its representative to the shipper at the time such document is signed by the shipper; and (3) shall maintain a separate written record for a period of at least 120 days following delivery of each such shipment of the manner in which each shipment on which vehicle space was reserved was handled sufficient in detail to establish factually that the service ordered by the shipper was actually provided by the carrier.

NOTICE TO SHIPPER

1. You are entitled to a copy of this document at the time you sign it.

2. All spaces hereon must be filled in before you sign your name, and this order shall be void if executed with any blank spaces.

3. You are not obliged to reserve space on a moving van in order to obtain transportation service for your shipment of household goods.

4. Under the space reservation order set forth below, and in accordance with the provisions of Rule _____ in Tariff No. _____, MF-ICC No. _____, you may be required to pay a higher charge for the transportation of your goods than you would be obligated to pay if vehicle space is not reserved by you.

CARRIER'S STATEMENT OF COMPARATIVE CHARGES

We have estimated your shipment will require an actual vehicle space of _____ cubic feet.

Based on the above our estimate of your transportation charges is $_____.

If you execute the order below we will reserve for your shipment vehicle space of _____ cubic feet.

Based on the space reservation order your transportation charges will be no less than $_____.

If our estimate is correct, your execution of the space reservation order below will cost you an additional sum of $_____.

_____
(Signature of carrier's representative)

VEHICLE SPACE RESERVATION ORDER

To: _____ ICC-M.C. No.
(Name of carrier)

_____, _____, _____
(Address of carrier) (Telephone number)

I hereby voluntarily order _____ cubic feet of vehicle space be reserved for my shipment of household goods. I understand that by signing this document I may be obligated to pay a higher charge than otherwise would be applicable for the transportation of my shipment. I also understand that I am under no obligation to reserve vehicle space for my shipment and that this order may be canceled by me provided I notify the above-named carrier of such intention to cancel at least 24 hours prior to the date or first day of the period of time during which my shipment is to be picked up.

_____ _____
(Date) (Signature of shipper)

I acknowledge receipt of a copy of this order.

_____ _____
(Date) (Signature of shipper)

[FR Doc.71-8527 Filed 6-16-71;8:51 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 703]

CERTIFICATES OF DEPOSIT

Basic Requirements

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise paragraph (a) of § 703.1 (12 CFR 703.1(a)) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than July 16, 1971.

HERMAN NICKERSON, Jr.,
Administrator.

JUNE 11, 1971.

§ 703.1 Certificates of deposit.

(a) Basic requirements: A deposit evidenced by a time certificate of deposit is within the deposit power of a Federal credit union under section 107(9) of the Federal Credit Union Act: *Provided,* (1) that such credit union itself makes the deposit for which the certificate is issued; (2) that no consideration is received from a third party in connection with the making of the deposit; and (3) that the certificate contains a provision which will authorize the bank to pay a time deposit or a portion thereof before maturity in those instances where the depositor-credit union indicates a need of the money represented by such time deposit. The model wording of this provision is indicated in paragraph (b) of this section. This paragraph does not apply to the investment power authorized in section 107(8)(D) of the Federal Credit Union Act.

* * * * *

[FR Doc.71-8485 Filed 6-16-71;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho-4350]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1971.

The Atomic Energy Commission has filed an application, Serial No. I-4350, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for a base station for a nationwide courier communications system to be known as Security Communications System (SECOM). There will be no known contamination of the lands due to the proposed project. Grazing outside of fenced areas could be permitted. Grazing administration will remain under the jurisdiction of the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Atomic Energy Commission.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 39 E.,
Sec. 6, lot 1.

The area described contains 40.26 acres in Bonneville County.

E. D. BARNES,
Acting Chief,
Division of Technical Services.

[FR Doc.71-8483 Filed 6-16-71;8:47 am]

Bureau of Mines

PROCUREMENT, CONTRACTING, AND GRANTS

Delegations of Authority

The following is an excerpt from the Bureau of Mines Manual and the numbering system is that of the manual:

205.11.1 *Contracts*—A. *Delegation.* The Director may enter into contracts and amendments or modifications thereof, by formal advertising or by negotiation. Further redelegations of the Director's authority are contained in Part 206 MBM.

B. *Exercise of authority.* All contracts may be entered into under this delegation unless specifically prohibited by statute, by the provisions of Title 41 of the Code of Federal Regulations. The authority delegated herein shall be exercised in accordance with Subpart 1-1.4 of the Federal Procurement Regulations, and all other applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines. Each redelegation shall be published in the FEDERAL REGISTER.

.2 *Requisitioning*—A. *Delegation.* Contracting authority may be exercised upon receipt of approved requisitions for supplies, equipment and services. Officials delegated the authority to initiate, approve, and forward requisitions to contracting officials are listed below:

	Monetary limit, each contract
Assistant Director—Planning	$100,000
Deputy Director—Health and Safety	500,000
District Managers	2,500
Subdistrict Managers	500
Deputy Director—Mineral Resources and Environmental Development	500,000
Assistant Director—Energy	25,000
General Manager, Helium Operations	100,000
Research Directors:	
Pittsburgh Energy Research Center	25,000
Morgantown Energy Research Center	25,000
Bartlesville Energy Research Center	25,000
Laramie Energy Research Center	25,000
Chief, Grand Forks Energy Research Lab	25,000
Chief, San Francisco, Energy Research Lab	500
Buildings and Grounds Manager, Rifle, Colo	250
Assistant Director—Metallurgy	25,000
Research Directors:	
College Park Metallurgical Research Center	25,000
Twin Cities Metallurgical Research Center	25,000
Rolla Metallurgical Research Center	25,000
Salt Lake City Metallurgical Research Center	25,000
Reno Metallurgical Research Center	25,000
Albany Metallurgical Research Center	25,000
Chief, Tuscaloosa Metallurgical Research Lab	25,000
Chief, Boulder City Metallurgical Research Lab	1,000
Assistant Director—Mining	25,000
Chief, Environment Field Office	100,000
Research Directors:	
Twin Cities Mining Research Center	25,000
Spokane Mining Research Center	25,000
Assistant Director—Mineral Supply	25,000
Chief, Division of Field Operations	25,000
Chief, Western Field Operation Center	25,000
Chief, Alaska Field Operation Center	25,000
Chief, Mineral Supply Field Offices	250
State Liaison Officers	250
Assistant Director—Administration	Unlimited
Chief, Division of Procurement and Property Management	Unlimited
Chief, Branch of Contracts and Grants	500,000
Chief, Eastern Administrative Office	500,000
Chief, Branch of Procurement and Property Management, Eastern Administrative Office	500,000
Chief, Western Administrative Office	500,000
Chief, Branch of Procurement and Property Operations, Western Administrative Office	500,000
Chief, Section of Procurement Operations, Western Administrative Office	25,000
Supervisory Purchasing Agent, Western Administrative Office	2,500
Purchasing Agents, Western Administrative Office	2,500

RESEARCH CONTRACTS AND GRANTS

215.2.1 *Research contracts.* The Director of the Bureau of Mines may enter into scientific and technological research contracts pursuant to Public Law 89-672 and, with respect to any such contract involving $25,000 or less, may make the determinations specified in paragraph (11), subsection (c), of section 302 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. sec. 252c(11)).

* * * * *

215.2.5 *Grants.* With respect to problems related to the programs of the Bureau authorized by statute, the Director of the Bureau of Mines may make grants for the support of basic scientific research to nonprofit institutions of higher education or to nonprofit organizations whose primary purpose is the conduct of scientific research pursuant to 42 U.S.C. secs. 1891 and 1892.

215.2.6 *Redelegation.* The authorities granted in 215 MBM 2.1 and 2.5 above are redelegated to the following officials:

Deputy Director—Mineral Resources and Environmental Development.
Deputy Director—Health and Safety.
Assistant Director—Administration.
Chief, Division of Procurement and Property Management.

SOLID WASTE DISPOSAL

215.6.1 *Delegation of authority.* The Director, Bureau of Mines, is authorized except as provided in 200 MBM 2.1, to exercise the authority conferred upon the Secretary of the Interior by the Solid Waste Disposal Act of October 20, 1965, 70 Stat. 997.

* * * * *

Section 204(b)(3). To make grants-in-aid to public or private agencies and institutions and to individuals for research, training projects, surveys, and demonstrations (including construction of facilities), and provide for the conduct of research, training, surveys, and demonstrations by contract with public or private agencies and institutions and with individuals. Redelegation of authority under this section of the above Act is granted to:

Assistant Director—Administration.
Chief, Division of Procurement and Property Management.

This authority may not be redelegated.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

215.9.1 *Delegation of authority.* Except as provided in 200 DM 1 and 215 DM 9.2, the Director, Bureau of Mines, is authorized to exercise the authority of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), with respect to the following sections of such Act only, and the regulations issued pursuant thereto:

* * * * *

215.9.1R. *Section 501(c).* To enter into contracts with and make grants to public and private agencies, organizations, and individuals in order to carry out the provisions of the Act.

215.9.3 *Redelegation of authority.* Authority under the provisions of R. above is redelegated to the officials indicated below:

Section 501(c). Deputy Director—Health and Safety; Assistant Director—Administration; Chief, Division of Procurement and Property Management.

Dated: June 10, 1971.

ELBURT F. OSBORN,
Director, Bureau of Mines.

[FR Doc.71-8482 Filed 6-16-71;8:46 am]

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 26, 1971.

Dated: May 26, 1971.

E. S. HALL.

[FR Doc.71-8480 Filed 6-16-71;8:46 am]

D. N. KEATON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of May 27, 1971.

Dated: May 27, 1971.

D. N. KEATON.

[FR Doc.71-8478 Filed 6-16-71;8:46 am]

HAROLD M. McCLURE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of May 27, 1971.

Dated: May 27, 1971.

HAROLD M. MCCLURE, JR.

[FR Doc.71-8479 Filed 6-16-71;8:46 am]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 3, 1971.

Dated: June 3, 1971.

HUGH C. VAN HORN.

[FR Doc.71-8481 Filed 6-16-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

FULTON COUNTY AUCTION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard and date of posting

Fulton County Auction Company, Canton, Ill., Apr. 27, 1960.
Clinton Livestock Auction, Clinton, Ill., Nov. 18, 1959.
Colchester Sales Association, Colchester, Ill., Dec. 3, 1959.
Mendota Livestock Auction, Mendota, Ill., Nov. 27, 1959.
Shannon Stockyards, Shannon, Ill., Dec. 11, 1962.
Green Valley Pig Market, Inc., Glasgow, Ky., Jan. 12, 1971.
Boscobel Sales Barn, Boscobel, Wis., May 11, 1959.
Frederic Livestock Sales, Inc., Frederic, Wis., Oct. 19, 1960.
Equity Co-operative Livestock Sales Assn., Milwaukee, Wis., May 15, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interests. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (6-17-71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 10th day of June 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-8517 Filed 6-16-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN FEED MANUFACTURERS ASSOCIATION, INC.

Notice of Filing of Petition for Food Additive Selenium

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a food additive petition (MF 3433V) has been filed by American Feed Manufacturers Association, Inc., 1725 K Street NW., Washington, D.C. 20006, proposing the establishment of a food additive regulation (21 CFR Part 121, Subpart C) to provide for the safe use, as a nutrient, of selenium from sodium selenite or sodium selenate in the feed of chickens, turkeys, and swine so that the total selenium content in complete feed does not exceed 0.25 part per million in feed for chickens and swine or 0.35 part per million in feed for turkeys. The premix which is incorporated into the feed is to be marked to indicate the presence of added selenium in the premix and the finished feed.

Dated: June 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8474 Filed 6-16-71;8:46 am]

[DESI 6151]

CERTAIN PREPARATIONS CONTAINING DIHYPRYLONE OR PIPAZETHATE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Sedulon Syrup containing dihyprylone and extract of thyme; Roche Laboratories, Division Hoffmann-LaRoche, Inc., Roche Park, 340 Kingsland Street, Nutley, New Jersey 07110 (NDA 6-151).

2. Theratuss Tablets containing pipazethate hydrochloride; E. R. Squibb and Sons, 909 Third Avenue, New York, New York 10022 (NDA 12-820).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are possibly effective for the labeled indications relating to the relief of coughs.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6151, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 20, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8475 Filed 6-16-71;8:46 am]

[DESI 8324]

ERYTHROMYCIN TOPICAL OINTMENTS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations of erythromycin ointment for topical use:

1. Erythrocin 1 Percent Ointment, containing erythromycin; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Illinois 60064 (NDA 50-184).

2. Ilotycin Ointment, containing erythromycin; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 60-646).

The Food and Drug Administration concludes that the above listed drugs are possibly effective for their labeled indications.

Preparations containing erythromycin are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

To allow applicants time to obtain and submit date to provide substantial evidence of the effectiveness of the drugs in those conditions for which they have been evaluated as possibly effective, batches of these drugs which bear labeling with those indications will be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of the claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of

effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drugs will not be eligible for release or certification.

A copy of the Academy's report has been furnished to the firms referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8884, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Amendments (identify with NDA number if known): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended: 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 20, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8476 Filed 6-16-71;8:46 am]

[DESI 12374]

SPARTEINE SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following oxytocic drug for intramuscular injection:

Tocosamine Sterile Solution, containing sparteine sulfate; Trent Phamaceuticals, Inc., 233 Broadway, New York, New York 10007 (NDA 12-374).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is effective for induction of labor and treatment of hypotonic uterine contractions.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Sparteine sulfate preparations are sterile aqueous solutions suitable for intramuscular injection.

2. *Labeling conditions.* a. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" and "Warnings" section are as follows:

INDICATIONS

Induction of labor and treatment of hypotonic uterine contractions.

WARNINGS

The action of this preparation is quite unpredictable.

It should not be given concomitantly with oxytocin. At least 2 hours should pass before a change is made from one drug to another. An occasional case of rupture of the uterus has been reported with the use of sparteine sulfate.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submisison of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Any interested person may obtain a copy by request to the Food and Drug Administration; Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12374, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 20, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8477 Filed 6-16-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

TIRE CODE MARKS ASSIGNED RETREADED TIRE MANUFACTURERS

Availability for Inspection

The purpose of this notice is to announce that the code numbers assigned to manufacturers of retreaded tires under the Tire Identification and Recordkeeping Regulation, 49 CFR Part 574 (36 F.R. 1196) are available for inspection.

The Tire Identification and Recordkeeping Regulation requires that retreaded tires made after May 22, 1971, be marked with a three-symbol retreaders' code. The retreaders' code is the first grouping within the tire identification number, after the letter "R". The codes assigned to retreaders are now available for inspection in the Docket Section, Room 5221, 400 Seventh Street SW., Washington, DC 20591.

This notice is issued under the authority of sections 103, 119, 201, and 206 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1392, 1407, 1421, 1426); and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on June 11, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-8521 Filed 6-16-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Order Extending Provisional Operating License Expiration Date

Commonwealth Edison Co. having filed requests dated May 21, 1971, and May 25,

1971, for an extension of the expiration date of Provisional Operating License No. DPR–19 which authorizes the possession and operation of the Dresden Nuclear Power Station Unit 2, a single cycle, boiling, light water reactor, at thermal power levels not to exceed 2,527 megawatts located on Commonwealth Edison's site in Grundy County, Ill., and good cause having been shown in the application for this extension pursuant to paragraph 5 of said license and Part 50 of the Commission's regulations: *It is hereby ordered,* That the expiration date of Provisional Operating License No. DPR–19 is extended from June 22, 1971, to December 22, 1972.

Dated at Bethesda, Md., this 10th day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–8466 Filed 6–16–71;8:45 am]

[Docket No. 50–254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Order Extending Provisional Construction Permit Completion Date

Commonwealth Edison Co., acting for itself and on behalf of Iowa-Illinois Gas and Electric Co., having filed a request dated May 21, 1971, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–23 which authorizes construction of the Quad-Cities Station Unit No. 1 in Rock Island County, Ill., about 3 miles north of Cordova, Ill., and good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55(b) of the Commission's regulations: *It is hereby ordered,* That the latest completion date of Provincial Construction Permit No. CPPR–23 is extended from July 1, 1971 to October 1, 1971.

Dated at Bethesda, Md., this 9th day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–8468 Filed 6–16–71;8:45 am]

[Docket No. 50–336]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Amendment of Construction Permit

The Connecticut Light and Power Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and the Millstone Point Co. (Millstone Nuclear Power Station, Unit 2).

Notice is hereby given that, pursuant to the Memorandum and Order of the Atomic Safety and Licensing Appeals Board, dated January 22, 1971, the Director of the Division of Reactor Licensing has issued Amendment No. 1 to Construction Permit No. CPPR–76 amending paragraph 2D to read as follows:

D. The applicants shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility covered by this construction permit. This condition does not apply to (a) radiological effects since such effects are dealt with in other provisions of this construction permit or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act.

A copy of the Memorandum and Order is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of Amendment No. 1 to Construction Permit No. CPPR–76 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 11th day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–8467 Filed 6–16–71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21884 etc.]

EASTERN AIR LINES, INC.

Notice of Prehearing Conference Regarding Vero Beach and Ocala Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 7, 1971, at 10 a.m. (local time), in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Greer M. Murphy.

In order to facilitate the conduct of the conference parties are instructed to submit to the examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on on before June 23, 1971, and the other parties on or before June 30, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., June 14, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[FR Doc.71–8546 Filed 6–16–71;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 420.8), Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110, has withdrawn its petition (1F1055), notice of which was published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18555), proposing a tolerance for residues of the fungicide 5,10-dihydro-5,10-dioxonaphtho-(2,3-*b*)-*p*-dithiin-2,3-dicarbonitrile in or on the raw agricultural commodity apples at 7 parts per million.

Dated: June 10, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–8518 Filed 6–16–71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19256; FCC 71–601]

RCA GLOBAL COMMUNICATIONS, INC.

Memorandum Opinion and Order Instituting Investigation

In the matter of RCA Global Communications, Inc., proposed revisions of Tariff FCC No. 59 establishing an optional deferred connection telex capability, Transmittal No. 3626.

1. The Commission has before it for consideration the following items:

(a) Proposed tariff revisions filed by RCA Global Communication, Inc. (RCA Globcom), on April 29, 1971, to become effective on June 8, 1971,[1] which would revise pages 1 and 7 of RCA Globcom's Tariff FCC No. 59 (offering overseas telex service) to reflect the availability of an optional capability which RCA Globcom considers an "enhancement" to its existing telex service;

[1] Originally to become effective on May 30, 1971.

(b) Western Union International, Inc.'s (WUI), initial petition for rejection of May 14, 1971;

(c) Tropical Radio Telegraph Co.'s (TRT) petition joining WUI in petitioning for rejection;

(d) ITT World Communications Inc.'s (ITT Worldcom), petition for suspension of May 24, 1971;

(e) WUI's petition for suspension or rejection of May 24, 1971; and,

(f) Reply of RCA Globcom to petitions for suspension, received May 28, 1971.

2. RCA Globcom's proposed revisions would offer its telex subscribers in gateway cities, and Western Union Telegraph Co. telex subscribers, when an overseas telex connection cannot be established because the overseas telex station is busy or because overseas lines are fully occupied. This alternative would be the option of transmitting the call to RCA Globcom's telex computerized switching system which would temporarily store the call and later automatically retransmit it when conditions permit. Chargeable time would be computed "on the same basis as for other fully automatic calls between the same points".

3. In its letter of transmittal accompanying the tariff revisions RCA Globcom stated that the proposed option served the public interest by minimizing customer inconvenience when telex connections cannot be immediately established, and by effecting economies for both it and the customer. Thus, it believes the option permits the customer to save time, and allows RCA Globcom to more effectively use switching and circuit facilities, counteracting increased costs and delays in telex service arising because connections may not be immediately established, during peak periods and at the end of the customer's business day. According to the transmittal letter, charges would be based on the time taken by the customer in transmitting to the RCA Globcom computer, although this is not clearly so indicated in the tariff.

4. The staff, on May 4, 1971, requested that RCA Globcom furnish additional supporting data under § 61.38 of the Commission's rules and regulations. RCA Glocom replied by letter of May 17 (and although arguing further justification was not required by § 61.38 on the grounds it was not offering a new service) gave costs for the option and estimated savings and revenue gains, over a 3-year period. Under its analysis, the added costs would result in an additional annual revenue requirements of about $470,000, which would be offset by annual cost savings and revenue gains (from fewer ineffective calls) of about the same magnitude on an averaging of the 3-year period.

Discussion. 5. There is no doubt that the general concept underlying the RCA Globcom proposal, as were the general concepts of the TIMETRAN and Deferred Datel service formerly proposed by RCA Globcom's competition, is one beneficial to the public interest. There appears to be general accord on this; however, the RCA Globcom proposed offering, as did the formerly proposed services, raises fundamental questions as to the appropriate practices, regulations, classifications, and charges, which should apply to it and similar offerings.

6. Among the questions which should be resolved is the relationship of such a service to the telex service, on the one hand, and the message service, on the other. The former service is basically one under which the carrier offers its facilities for customer-to-customer communication, and the latter is essentially a service under which a message is turned over to a carrier for onward transmission and delivery to the addressee. The carrier has different responsibilities and functions under each service, and the charges for each service are constructed to reflect the difference in functions of the carriers.

7. The proposed RCA Globcom option, whether it be denominated store and forward service, or described by another name, raises general issues which had been previously raised by the TIMETRAN and Deferred Datel offerings. These have been set for hearing, but withdrawn before a culmination of such hearing. At this time, the RCA Globcom offering offers a vehicle for resolving, in an orderly manner, questions as to the terms and conditions under which such services should be offered. Such resolution should be arrived at expeditiously, and be designed to realize the benefit of such innovation as quickly as possible in a manner most consistent with the public interest. We will therefore, order a hearing into these matters, and join all interested carriers as respondents, so that all relevant views and information can be before us.

8. Competitors of RCA Globcom have requested that the RCA Globcom tariff revision be suspended for the 3-month statutory period. While there are possible deficiencies in the proposed tariff, and possible discrimination may result from its application, such deficiencies and discrimination do not appear to be of sufficient magnitude to warrant suspension, in view of both the potential benefit to the public, and actual experience which can be gained by RCA Globcom, and made available during the hearing, from operations under the proposal. The same rationale applies to the requests for rejection of the proposed revisions.

9. As noted above, a determination as to the lawfulness of proposed tariff revisions should be made as promptly as possible. Toward this goal, we shall order, and do hereby find that the due and timely execution of our functions require, that the hearing record in the proceeding be certified to the Commission by the hearing examiner without making either an initial or recommended decision, and that, in lieu of the examiner's decision, the Chief, Common Carrier Bureau, shall expeditiously prepare a recommended decision upon which exceptions may be filed by the parties.

Wherefore, it is ordered, That pursuant to sections 4(i), 201, 202, 204, 205, and 403 of the Communications Act of 1934, an investigation is hereby instituted into the lawfulness of the 307th Revised Page No. 1 and Seventh Revised Page No. 7 to RCA Globcom Tariff FCC No. 59.

It is further ordered, That the following general issues are to be considered:

(1) Whether the proposed tariff revisions are just and reasonable under section 201(b) of the Communications Act of 1934;

(2) Whether the proposed tariff revisions result in an unjust or unreasonable discrimination, or undue or unreasonable preference, within the contemplation of section 202(a) of the Communications Act of 1934, with respect to e.g., message service users; telex customers desiring to communicate with points with which the proposed revisions do not apply, and TWX customers using the RCA Globcom telex service;

(3) Whether the Commission should prescribe, pursuant to Section 205 of the Communications Act of 1934, just and reasonable charges, or just, fair, and reasonable classifications, regulations, or practices with respect to the proposed tariff revisions, to the extent that such revisions are in violation of the Communications Act of 1934, and the nature of any such charges, classifications, regulations, or practices which should be prescribed; and

(4) The extent to which the proposed tariff revisions fail to comply with the requirements of § 61.55(f) of the Commission's rules and regulations.

It is further ordered, That the following specific issues, in addition to such other specific issues as may bear upon the foregoing general issues, shall be considered:

(1) The terms and conditions (including the liabilities, responsibilities, and functions of the carrier) under which the proposed offering, or any offering generally similar in concept should be offered; and a description in detail of the manner in which it will operate;

(2) Plans, in detail, of respondents, for such offering within the next 3 years;

(3) The relationship of such type of offering to the telex and message services; and the effect on the costs, revenues, and charges for such services;

(4) The extent to which users of any existing service should be able to use such offering;

(5) The additional investment and other costs and revenue requirements, which will be associated with the proposed revisions, or similar offerings, over a 3-year period;

(6) The additional revenues which can reasonably be anticipated from such revisions or similar offerings, over a 3-year period;

(7) The savings in costs which can reasonably be anticipated from such revisions or similar offerings, over a 3-year period;

(8) The arrangements which would be made with foreign correspondents (e.g.

technical and financial) to implement the proposed revisions, or any offering similar in concept;

It is further ordered, That RCA Globcom, ITT Worldcom, WUI, and Tropical are hereby made parties respondent to this proceeding; and that such parties shall participate fully herein; that they shall submit a statement of their position or views on the above-specified issues prior to the prehearing conference herein, but not later than 30 days after the release of this memorandum opinion and order; and that they shall submit briefs at the close of the hearing on such issues as the examiner may direct;

It is further ordered, That no changes shall be made in the tariff revisions under investigation herein without approval of the Commission, pending a final decision herein;

It is further ordered, That the petitions of ITT World, WUI, and Tropical to suspend or reject RCA Globcom's tariff revisions are dismissed.

Adopted: June 8, 1971.

Released: June 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-8536 Filed 6-16-71;8:52 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 22, 1971, the applications for increased daytime power of Class IV standard broadcast stations listed below, will be considered as ready and available for processing.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning any of the applications pursuant to section 309 (d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: June 11, 1971.

Released: June 11, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

BP-18812 WOHI, East Liverpool, Ohio.
Constrander Corp.
Has: 1490 kc., 250 w., 500 w.-LS, DA-D, U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-18998 KAIR, Tucson, Ariz.
Number One Radio.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

BP-19000 KSFE, Needles, Calif.
James Parr and Darwin Parr.
Has: 1340 kc., 250 w., S.H.
Req: 1340 kc., 250 w., 1 kw.-LS, S.H.

BP-19001 KXO, El Centrol, Calif.
KXO, Inc.
Has: 1230 kc., 250 w., U.
Req: 1230 kc., 250 w., 1 kw.-LS, U.

BP-19006 KOLE, Port Arthur, Tex.
Radio Southwest, Inc.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

BP-19015 KMEL, Wenatchee, Wash.
Frontier Broadcasting Co.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

[FR Doc.71-8533 Filed 6-16-71;8:51 am]

[2] Commissioners Burch, Chairman; Robert E. Lee and Houser absent.

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 22, 1971, the following standard broadcast application will be considered as ready and available for processing:

BMP-13220 KYUK, Bethel, Alaska.
Bethel Broadcasting, Inc.
Has: 580 kc., 5 kw., Day.
Req: 580 kc., 5 kw., U.

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business July 21, 1971, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business July 21, 1971.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: June 11, 1971.

Released: June 11, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-8534 Filed 6-16-71;8:52 am]

FEDERAL MARITIME COMMISSION

CALCUTTA, EAST COAST OF INDIA AND EAST PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearings, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, 25 Broadway, New York, NY 10004

Agreement No. 6850-7, between the member lines of the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, modifies the self-policing system of the conference to conform to the requirements of the Commission's General Order 7 (revised).

Dated: June 14, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8531 Filed 6-16-71;8:51 am]

CEYLON/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing

on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commence.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, Ceylon/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8050-7, between the member lines of the Ceylon/U.S.A. Conference, modifies the self-policing system of the conference to conform to the requirements of the Commission's General Order 7 (revised).

Dated: June 14, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8530 Filed 6-16-71;8:51 am]

PACIFIC WESTBOUND CONFERENCE AND SHIPPING CORPORATION OF INDIA, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 57-93 would permit the Shipping Corporation of India, Ltd., to join the Pacific Westbound Conference as an associate member rather than as a full member pursuant to the terms and conditions of the agreement.

Dated: June 14, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8532 Filed 6-16-71;8:51 am]

WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, West Coast of India and Pakistan/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8040-9, between the member lines of the West Coast of India and Pakistan/U.S.A. Conference, modifies the self-policing system of the conference to conform to the requirements of the Commission's General Order 7 (revised).

Dated: June 14, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8529 Filed 6-16-71; 8:51 am]

FEDERAL RESERVE SYSTEM

ELLIS BANKING CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Ellis Banking Corp., Bradenton, Fla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of each of the following Florida banks: Sarasota Bank & Trust Co., Sarasota; First National Bank of Bradenton; First National Bank of New Port Richey; First National Bank in Tarpon Springs; Northeast National Bank of St. Petersburg; Ellis National Bank of Tampa; American Bank of Sarasota; Springs State Bank, Tarpon Springs; American Security Bank, New Port Richey; Commercial Bank of Dade City; Manasota Bank, Sarasota; Bank of Jay; Bank of Blountstown; Harbor State Bank, Safety Harbor; and Longboat Key Bank, Longboat Key.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding

the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, June 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8469 Filed 6-16-71;8:45 am]

GREAT LAKES HOLDING CO.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Great Lakes Holding Co., Kalamazoo, Mich., for approval of action to become a bank holding company through the acquisition of not less than 89 percent, nor more than 92 percent, of the voting shares of Industrial State Bank & Trust Co., Kalamazoo, Mich.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Great Lakes Holding Co., Kalamazoo, Mich., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of not less than 89 percent, nor more than 92 percent, of the voting shares of Industrial State Bank & Trust Co., Kalamazoo, Mich.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Michigan Commissioner of Financial Institutions and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 2, 1971 (36 F.R. 10756), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating Michigan corporation recently formed for the purpose of acquiring bank with deposits of $106 million as of December 31, 1970. As applicant has no present operations or subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition, and there would be no adverse effects on competing banks.

The acquisition proposed herein would result in bank's becoming a stronger and more viable banking institution, and a more effective competitor in the relevant area. Banking factors involved weigh heavily in favor of approval of the application since applicant will provide bank with an additional $2 million of needed capital and has formulated plans to improve bank's present operating procedures. The Michigan Commissioner of Financial Institutions has recommended approval of the application based on the proposed improvement of bank's capital position and management under applicant's control. Whereas there is no indication that present banking needs of the area are not being adequately served at the present time, it is apparent that consummation of the proposal would strengthen the bank and enable it to serve better the banking needs of its area. Therefore, considerations relating to the convenience and needs of the communities to be served also lend weight in favor of approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order; or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] June 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8470 Filed 6-16-71;8:45 am]

WYOMING BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Wyoming Bancorporation, which is a bank holding company located in Cheyenne, Wyo., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of First National Bank of Jackson Hole, Jackson, Wyo.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, June 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8471 Filed 6-16-71;8:45 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

PROPOSED CHANNEL RELOCATION PROJECT ON RIO GRANDE

Notice of Completion of and Availability of Environmental Statement

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that this agency has completed a final statement which discusses environmental considerations relating to a proposed channel relocation project on the Rio Grande upstream from Hidalgo, Hidalgo County, Tex. A copy of the final statement, along with copies of comments received from other agencies and interested groups, is being placed in the Office of the Country Director for Mexico, Room 3906-A, Department of State,

21st Street and Virginia Avenue NW., Washington, DC, in the office of the Project Superintendent, U.S. Section, International Boundary and Water Commission, 208 South F Street, Harlingen, TX, and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, TX. The environmental analysis statement was prepared as a part of the study of a channel relocation to accomplish the objectives of the Boundary Treaty between the United States and Mexico signed November 23, 1970.

Copies of the final statement, dated May 26, 1971, along with copies of comments received from other agencies and interested groups, will be supplied upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Dated at El Paso, Tex., this 8th day of June 1971.

FRANK P. FULLERTON,
Executive Assistant.

[FR Doc.71-8495 Filed 6-16-71;8:48 am]

PROPOSED INTERNATIONAL RETAMAL DIVERSION DAM ON RIO GRANDE

Notice of Availability of Environmental Statement and Request for Comments From State and Local Agencies and Private Interests

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that this agency has prepared a draft statement which discusses environmental considerations relating to the proposed International Retamal Diversion Dam on the Rio Grande about 9 miles south of Donna, Hidalgo County, Tex. A copy of the statement is being placed in the Office of the Country Director for Mexico, Room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, DC, in the office of the Project Superintendent, U.S. Section, International Boundary and Water Commission, 208 South F Street, Harlingen, TX, and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, TX. The environmental analysis statement was prepared as a part of the study of the necessary improvements to the existing flood control project being undertaken by the United States and Mexico.

Comments are particularly invited from State and local agencies or groups which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, from which comments have not been specifically requested.

Copies of the draft environmental statement have been sent to the Environmental Protection Agency; Health, Education, and Welfare; Department of Agriculture, Soil Conservation Service; Department of the Interior, Bureau of Sport Fisheries and Wildlife, National Park Service, Bureau of Outdoor Recreation; Department of the Army, Corps of Engineers; Division of Planning Coordination, Office of the Governor, State of Texas; Lower Rio Grande Development Council; and various conservation associations in Texas.

Comments are requested within 60 days of publication of this notice in the FEDERAL REGISTER. If any such State, local, or Federal agency which has not received a specific request for comments fails to provide the U.S. Section with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed the agency has no comments to make.

Comments are also requested from any interested individual or association within 60 days of publication of this notice in the FEDERAL REGISTER.

Comments concerning the environmental effect of the construction proposed should be addressed to D. D. McNealy, Principal Engineer, Projects, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Copies of the draft statement, dated June 4, 1971, and the comment thereon of Federal and State agencies (whose comments are being separately requested by the U.S. Section) will be supplied to such local agencies, individuals or associations upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Dated at El Paso, Tex., this 9th day of June 1971.

FRANK P. FULLERTON,
Executive Assistant.

[FR Doc.71-8496 Filed 6-16-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JUNE 11, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 14, 1971, through June 23, 1971.

By the Commission.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8486 Filed 6-16-71;8:47 am]

[811-2063]

HOLLYWOOD SECURITIES CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 11, 1971.

Notice is hereby given that Hollywood Securities Corp. (Applicant), 2901 Simms Street, Hollywood, FL 33020, a Florida corporation registered as a closed-end nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant is a dissolved Florida corporation formerly known as Dukane Press, Inc. For more than 10 years prior to acquiring investment company status Applicant was actively engaged in business as printer and lithographer. On May 11, 1970, Applicant sold all of its assets pursuant to a plan of complete liquidation. Upon investment of the sale proceeds Applicant became an investment company as that term is defined in the Act. As required by the Act, Applicant filed its notification of registration with the Commission on Form N-8A on May 11, 1970.

Pursuant to a plan of complete liquidation adopted by Applicant's stockholders at a meeting held on April 8, 1970, and amended at another meeting held on February 11, 1971, Applicant has distributed all of its assets to its stockholders. Liquidation distributions were made as follows: (1) A first liquidating distribution of $4.25 per share in cash was made on or about September 4, 1970, to stockholders of record at the close of business on August 7, 1970; (2) a second liquidating distribution of $3.20 per share in cash was made on or about December 8, 1970, to stockholders of record at the close of business on November 20, 1970; and (3) a final liquidating distribution was made on March 1, 1971, by distributing to Pan American Bank of Miami, as trustee for the stockholders of record at the close of business on March 1, 1971, all of Applicants remaining assets. The trustee holds the assets so distributed

for the benefit of and for ultimate pro rata distribution to Applicant's former stockholders in accordance with the terms and conditions of a trust agreement approved by Applicant's stockholders at the aforementioned meeting held on February 11, 1971.

Applicant has had no assets since March 1, 1971, has no known liabilities or obligations other than the relatively minor liabilities related to its liquidation and the possible contingent liabilities for which provision has been made in the aforesaid trust agreement, is not engaged in business as an investment company or otherwise, does not intend to engage in business as an investment company or otherwise, has canceled its outstanding stock, and has been legally dissolved under Florida law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 7, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8487 Filed 6-16-71;8:47 am]

[70-5041]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Notice of Proposed Sale of Assets

JUNE 11, 1971.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, OH 44308, a registered holding company and a public-utility company, and its electric utility subsidiary Pennsylvania Power Co. (Pennsylvania), 1 East Washington Street, New Castle, PA 16103, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9(a), 10, and 12(d) of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to a contract dated April 25, 1969, entered into by Ohio Edison, Pennsylvania, and Duquesne Light Co. (Duquesne), a nonaffiliated company, Ohio Edison is constructing a 625,000-kw. electric generating unit (Sammis Unit #7) at its Sammis Power Plant site on the Ohio River. Sammis Unit #7 is scheduled for initial startup on July 1, 1971, and is scheduled to go into commercial operation on October 1, 1971. The Sammis Unit #7 is to be owned by the companies as tenants in common.

Certain facilities to be used for the Sammis Unit #7 will also be used for some or all of the other six units on the site. The contract calls for appropriate allocation of such common facilities to the Sammis Unit #7 and conveyance by Ohio Edison to Pennsylvania and Duquesne, respectively, of an undivided interest in such facilities equal to the agreed ownership interest of each in the Sammis Unit #7, Ohio Edison 48 percent, Pennsylvania 20.8 percent, and Duquesne 31.2 percent. Any conveyance will be free and clear of the lien of Ohio Edison's mortgage. The undivided interests in the existing common facilities (facilities in place on the date of the contract) are to be conveyed, to the extent possible, prior to the date of initial startup of the Sammis Unit #7.

The application-declaration states that the existing common facilities have been identified, the depreciated book costs of such facilities allocable to Sammis Unit #7 has been determined to be $4,273,547, and the agreed-upon ownership interest of each of the companies has been applied to such cost to fix the consideration to be paid to Ohio Edison by Pennsylvania at $888,897 and Duquesne at $1,333,349, for their respective undivided interests in such facilities. The undivided interest in the remainder of such facilities will be retained by Ohio Edison.

The fees and expenses in connection with the proposed transactions are estimated at $1,200, including legal fees of $1,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8483 Filed 6-16-71;8:47 am]

[811-1773]

REMSEN FUND

Notice of Application Declaring That Company Has Ceased To Be an Investment Company

JUNE 11, 1971.

Notice is hereby given that Remsen Fund (Applicant), 1 Chase Manhattan Plaza, New York, NY 10005, registered under the Investment Company Act of 1940 (Act) as a closed-end, nondiversified, management investment company, has filed an application pursuant to section 8(f) of the Act for an order declaring that the Applicant has ceased to be an investment company. All interested persons are referred to the application

on file with the Commission for a statement of the representations made therein, which are summarized below.

The Applicant was organized under the laws of New York as a partnership on November 25, 1968, and filed notification of registration with the Commission pursuant to section 8(a) of the Act on November 26, 1968.

The Applicant represents that by reason of business considerations it now has abandoned any intention of offering its securities to other persons and has abandoned its plan to engage in investing and reinvesting in securities. The Applicant further represents that it has no securities or other assets, no liabilities outstanding and at no time since its organization have any persons had any interest in the Registrant other than its two original partners, nor has any offer or sale of its securities been made to any person.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 12, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements therof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8488 Filed 6-16-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 833 (Class B)]

ALASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Alaska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the village of Galena, Alaska, and adjacent areas, suffered damage or destruction resulting from floods beginning on May 20, 1971, and continuing.

OFFICE

Small Business Administration District Office, Suite 200, Anchorage Legal Center, 1016 West Sixth Avenue, Anchorage, AK 99501.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1971.

Dated: June 8, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-8494 Filed 6-16-71;8:48 am]

[Declaration of Disaster Loan Area 832 (Class B)]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Franklin and Essex Counties, N.Y., and adjacent areas, suffered damage or destruction resulting from floods on or about May 20, 1971.

OFFICE

Small Business Administration District Office, Fayette and Salina Streets, Syracuse, NY 13202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1971.

Dated: June 4, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-8493 Filed 6-16-71;8:48 am]

[Delegation of Authority No. 4.4-1 (Region V) for Disaster No. 820]

MANAGER, SPRINGFIELD, ILL., BRANCH OFFICE

Delegation of Authority

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (Revision 1) (36 F.R. 7291) the following authority is hereby redelegated to the position as indicated herein to be exercised in connection with providing disaster loan assistance in Thompsonville, Franklin County, Ill. (Disaster Declaration No. 820).

A. *Manager, Springfield, Ill., Branch Office.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

2. To approve disaster guaranteed loans up to an SBA guarantee of $350,000, and to decline such loans in any amount.

3. To execute loan authorizations for Central, regional and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
Manager,
Springfield, Ill., Branch Office.

4. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

5. To disburse unsecured disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: April 30, 1971.

ROBERT A. DWYER,
Regional Director,
Region V, Chicago, Ill.

[FR Doc.71-8491 Filed 6-16-71;8:47 am]

[License No. 03/04-5111]

MINORITY INVESTMENTS, INC.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On May 13, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 8834) stating that Minority Investments, Inc., 1200 U Street SE., Washington, DC 20020, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1968)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business May 23, 1971, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/04-5111 to Minority Investments, Inc., pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended.

Dated: June 8, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-8492 Filed 6-16-71;8:47 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Albain Shirt Co., Inc., Kinston, N.C.; 4-12-71 to 4-11-72 (men's shirts).

Bland Sportswear, Inc., Bland, Va.; 4-15-71 to 4-14-72; 10 learners (children's polo shirts and ladies' dresses and blouses).

Blue Bell, Inc., Ada, Okla.; 5-10-71 to 5-9-72 (men's and boys' jeans).

Blue Bell, Inc., Coalgate, Okla.; 5-7-71 to 5-6-72 (women's, misses', and children's jeans).

Capitol City Manufacturing Co., Inc., West Columbia, S.C.; 3-29-71 to 3-28-72 (women's dresses).

Charleston Manufacturing Co., Inc., Charleston Heights, S.C.; 4-6-71 to 4-5-72 (ladies' dresses).

College Casuals Co., Sheppton, Pa.; 4-13-71 to 4-12-72; 10 learners (ladies' shorts and slacks).

Curtis Manufacturing Co., Inc., Orlando, Fla.; 5-3-71 to 5-2-72; 10 learners (men's and boys' trousers).

Custom Sportswear, Inc., Reading, Pa.; 4-7-71 to 4-6-72 (children's, girls', and men's polo shirts).

Danville Manufacturing Co., Inc., Danville, Pa.; 3-26-71 to 3-25-72 (ladies' sleepwear).

Dee-Mure Brassiere Co., Inc., Hamlin, W.Va.; 4-24-71 to 4-23-72 (women's brassieres).

Dickson Manufacturing Co., Plant No. 2, Dickson, Tenn.; 4-30-71 to 4-29-72 (work jackets).

E & W of Ilmo, Inc., Ilmo, Mo.; 4-30-71 to 4-29-72 (men's and boys' dungarees).

Elder Manufacturing Co., Carl Junction, Co.; 5-5-71 to 5-4-72 (boys' shirts and pajamas).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; 3-23-71 to 3-22-72 (men's and boys' pants).

Federal Corset Co., Inc., Douglas, Ga.; 4-21-71 to 4-20-72 (ladies' girdles and brassieres).

G B Manufacturers, Inc., Chetopa, Kans.; 4-29-71 to 4-28-72; 10 learners (men's dungarees).

Georgetown Dress Corp., Georgetown, S.C.; 4-26-71 to 4-25-72 (children's sportswear).

Glen of Michigan, Manistee, Mich.; 4-3-71 to 4-2-72 (women's shorts, jackets, dresses, and blouses).

Granite Dress Corp., Fall River, Mass.; 4-15-71 to 4-14-72; 10 learners (women's and misses' dresses).

Greer Shirt Corp., Greer, S.C.; 4-13-71 to 4-12-72 (men's and boys' shirts).

H & W of Heber Springs, Inc., Heber Springs, Ark.; 4-23-71 to 4-22-72 (men's and boys' shirts).

Hagale Garment Manufacturing Co., Republic, Mo.; 4-6-71 to 4-5-72 (men's and boys' trousers).

Henry I. Siegel Co., Inc., Whiteville, Tenn.; 4-1-71 to 3-31-72 (dungarees).

Henson Garment Co., Athens, Ga.; 3-23-71 to 3-22-72 (men's and boys' dungarees).

Hicks Ponder Co., Del Rio, Tex.; 3-21-71 to 3-20-72 (men's and boys' jeans).

Jonbil Manufacturing Co., Inc., Chase City, Va.; 3-25-71 to 3-24-72 (men's and boys' jeans).

Key Manufacturing Co., Inc., Tompkinsville, Ky.; 4-25-71 to 4-24-72 (men's and boys' dungarees, coveralls, and pants).

Levi Strauss & Co., Harrison, Ark.; 3-30-71 to 3-29-72 (men's and boys' pants).

Linn Manufacturing Co., Linn, Mo.; 5-1-71 to 4-30-72 (men's trousers).

Lowenstein Dress Corp., Fall River, Mass.; 4-2-71 to 4-1-72 (women's dresses).

Madill Manufacturing Co., Madill, Okla.; 4-7-71 to 4-6-72 (men's slacks).

Michael Berkowitz Co., Inc., Frostburg, Md.; 3-23-71 to 3-28-72 (men's pajamas).

Mode O'Day Co., Plant No. 3, Logan, Utah; 5-1-71 to 4-30-72 (women's and children's dresses).

Pajama-Craft of North Carolina, Middlesex, N.C.; 5-6-71 to 5-5-72; 10 learners (men's and boys' pajamas).

Pass Christian Industries, Inc., Pass Christian, Miss.; 3-22-71 to 3-21-72 (ladies shorts, shifts, and jeans).

Portland Manufacturing Corp., Portland, Tenn.; 5-1-71 to 4-30-72 (women's and girls' blouses).

Prepshirt Manufacturing Corp., Greenville, N.C.; 4-15-71 to 4-14-72 (boys' shirts).

Primo Pants Co., Versailles, Mo.; 4-1-71 to 3-31-72 (men's pants).

Reidbord Brothers Co., Apollo, Pa.; 3-23-71 to 3-28-72; 10 learners (men's and boys' trousers).

Reidbord Brothers Co., Buckhannon, W. Va.; 4-8-71 to 4-7-72 (men's trousers).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; 4-24-71 to 4-23-72 (men's and boys' work pants).

J. H. Rutter Rex Manufacturing Co., Inc., Columbia, Miss.; 3-30-71 to 3-29-72 (men's and boys' shirts and men's jeans).

S & S Manufacturing Co., Inc., Spartanburg, S.C.; 4-8-71 to 4-7-72 (ladies' dresses and blouses and children's blouses).

Saf-T-Bak, Inc., Altoona, Pa.; 5-11-71 to 5-10-72 (men's, women's, and children's sportswear).

The Salant Co., Obion, Tenn.; 3-28-71 to 3-27-72 (men's, boys', misses', juveniles', and girls' jeans and misses' slacks).

The Salant Co., Union City, Tenn.; 4-13-71 to 4-12-72 (men's and boys' pants).

Sancar Corp., Harrisonburg, Va.; 3-30-71 to 3-29-72 (ladies' underwear).

Shane Manufacturing Co., Inc., Evansville, Ind.; 4-1-71 to 3-31-72 (men's work clothing).

Sherman Manufacturing Co., Darlington, S.C.; 5-7-71 to 5-6-72; 10 learners (ladies' dresses).

Southland Manufacturing Co., Inc., Benson, N.C.; 3-31-71 to 3-30-72 (men's and boys' shirts).

Sportee Corp. of North Carolina, Clarkton, N.C.; 3-30-71 to 3-29-72 (ladies' blouses, slacks, capris, and jamaicas).

Tom and Huck Togs, Inc., Columbus, Miss.; 4-2-71 to 4-1-72 (men's, boys', and ladies' slacks).

Whitakers Garment Co., Inc., Whitakers, N.C.; 3-26-71 to 3-25-72 (children's dresses).

Wilgree Manufacturing Co., Inc., Camilla, Ga.; 3-26-71 to 3-25-72 (men's shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Arizona Slack Corp., San Diego, Calif.; 4-15-71 to 10-14-71; 35 learners (men's jeans).

Barad & Co., Rolla, Mo.; 5-12-71 to 11-

11–71; 40 learners (ladies' sleepwear).

Central Apparel Corp., Danville, Va.; 4–12–71 to 10–11–71; 50 learners (children's pants).

Creedmoor Sportswear Co., Creedmoor, N.C.; 4–15–71 to 10–14–71; 20 learners (men's and boys' shirts).

Glamorise Foundations, Inc., Dermott, Ark.; 4–26–71 to 10–25–71; 35 learners (ladies' brassieres).

H & W Heber Springs, Inc., Heber Springs, Ark.; 4–23–71 to 10–22–71; 15 learners (men's and boys' shirts).

Hagale Industries, Inc., Ozark, Mo.; 4–23–71 to 10–22–71; 30 learners (boys' trousers).

Williamston Manufacturing Co., Williamston, S.C.; 3–22–71 to 9–21–71; 43 learners (ladies' blouses and dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., Inc., Brookville, Pa.; 4–26–71 to 4–25–72; 10 learners for normal labor turnover purposes (work gloves).

Galena Glove & Mitten Co., Dubuque, Iowa; 4–7–71 to 4–6–72; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Glenwood, Ark.; 5–11–71 to 5–10–72; 10 percent of the total number of machine stitchers for normal labor turnover purposes (flannel and leather work gloves).

Indianapolis Glove Co., Inc., Vardaman, Miss.; 5–4–71 to 5–3–72; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Ashland, Pa.; 3–31–71 to 3–30–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', boys', misses', and ladies' underwear).

Ellwood Knitting Mills, Inc., Ellwood City, Pa.; 3–31–71 to 3–30–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters, sweatshirts, and swim suits).

Louis Gallet, Inc., Uniontown, Pa.; 5–3–71 to 5–2–72; 5 learners for normal labor turnover purposes (men's shirts and sweaters).

Spotlight Co., Inc., Ashdown, Ark.; 4–26–71 to 4–25–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

General Cigar de Utuado, S.A., Utuado, P.R.; 3–30–71 to 3–29–72; 51 learners for normal labor turnover purposes in the occupations of cigar machine operating and packing, each for a learning period of 320 hours at the rates of $1.32 an hour for the first 160 hours and $1.42 an hour for the remaining 160 hours (cigars).

P. L. Manufacturing Co., Inc., Rio Grande, P.R.; 3–22–71 to 3–21–72; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.08 an hour (men's cotton shirts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Sandia View Academy, Corrales, N. Mex.; 4–12–71 to 8–31–71; authorizing the employment of 25 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, off-bearer, assembler, finisher, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 9th day of June 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71–8519 Filed 6–16–71;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 49]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 11, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the Rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 151 (Sub-No. 45), filed May 25, 1971. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Avenue, Terre Haute, IN 47807. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Connersville, Greensburg, Hagerstown, Laurel, Milroy, Rushville, and Shelbyville, Ind., and Eaton, Ohio, as off-route points in connection with applicant's authorized regular route authority, and serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 11722 (Sub-No. 24), filed May 21, 1971. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Ronald R. Brader (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, green or salted, from points in Washington to Vancouver, Seattle, and Tacoma, Wash.; Portland, Oreg.; and points in Napa, San Francisco, and San Mateo Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 124658 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash.

No. MC 29910 (Sub-No. 101), filed May 27, 1971. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper or Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsites and warehouse facilities of International Paper Co. at Mobile, Ala., and Moss Point, Miss., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states it would tack the requested authority with its existing authority in Illinois, Indiana, and Ohio, to provide through service to present certificated points in Missouri, Iowa, Wisconsin, New York, and Pennsylvania. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 30374 (Sub-No. 19), filed May 13, 1971. Applicant: TRI-STATE TRANSPORTATION CO., INC., West and Railroad Avenues, Vineland, NJ 08360. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, in containers and on hangers, *materials and supplies* (other than in bulk), used in the manufacture of clothing, and department store merchandise when moving in the same vehicle with clothing on hangers, between New York, N.Y., Secaucus, N.J., and Philadelphia, Pa., on the one hand, and, on the other, Baltimore and Frederick, Md., Washington, D.C., Woodbridge and Manassas, Va., and points in Baltimore, Howard, Montgomery, Anne Arundel, and Prince Georges Counties, Md., and points in Fairfax County, Va. NOTE: Applicant states that the authority requested can be tacked at Philadelphia, Pa., New York, N.Y., and authorized New Jersey points. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Philadelphia, Pa.

No. MC 30844 (Sub-No. 360), filed May 19, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street, Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass rods and glass tubing*, from the plantsite and facilities used by Becton, Dickinson & Co. at or near Sumter, S.C., to Broken Bow, Columbus, and Holdrege, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 30844 (Sub-No. 361), filed May 25, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Waterloo, Iowa, to points in Missouri on and north of U.S. Highway 40 and points in Oklahoma (except Henryette, Muskogee, Oklahoma City, Okmulgee, and Tulsa, Okla.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 32882 (Sub-No. 58), filed May 24, 1971. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representatives: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205, also Ellis Chartier, Post Office Box 17039, Portland, OR 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, air and water control systems, equipment and parts; liquid cooling and vapor condensing systems, equipment and parts; environmental control protective systems, equipment and parts;* and (2) *equipment, materials, and supplies* used in the construction, installation, or maintenance of antipollution, liquid cooling and vapor condensing and environmental control and protective systems, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 35442 (Sub-No. 6), filed May 24, 1971. Applicant: W. CLARENCE OWENS AND HALLET W. OWENS, a partnership, doing business as W. W. OWENS AND SONS TRANSFER & STORAGE CO., 501 Ward Street, Elizabeth City, NC 27909. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Camden, Currituck, Dare, Tyrell, Perquimans, Pasquotank, Chowan, Gates, Hertford, Northampton, Washington, Berties, and Martin Counties, N.C., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points referred to above and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elizabeth City or Raleigh, N.C.

No. MC 38170 (Sub-No. 26), filed May 24, 1971. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Road, Lincoln Park, MI 48146. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of GMC Truck & Coach Division of General Motors Corp. on Ecorse Road, one-half mile west of Denton Road, in Van Buren Township, Wayne County, Mich. (near Willow Run), as an off-route point in connection with otherwise authorized operations to and from Detroit and Willow Run, Mich., and serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 42487 (Sub-No. 773), filed May 21, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, OR 97208.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and greases*, in bulk, in tank trucks, from points in Washington and Oregon to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 42487 (Sub-No. 774), filed May 24, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representatives: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680, and E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Dallas, Pa., and points in Wright Township, Luzerne County, Pa., as off-route points in connection with applicant's presently authorized regular-route operations. Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa., or Washington, D.C.

No. MC 44639 (Sub-No. 37), filed May 18, 1971. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and material and supplies*, used in the manufacture of wearing apparel (except commodities in bulk), between Crewe, Va., on the one hand, and, on the other, Miami and New Smyrna Beach, Fla. NOTE: Applicant states that it intends to tack with existing authority at Crewe, Va., however, it does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 46281 (Sub-No. 1), filed May 20, 1971. Applicant: H M E MOTOR EXPRESS CO., INC., 2122 Tonnelle Avenue, North Bergen, NJ 07047. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers*, from points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Hunterdon, and Warren Counties, N.J., to points in Orange, Rockland, and Nassau Counties, N.Y., and points in Fairfield County, Conn.; and (2) *cullet, and scrap glass and plastic*, from the destination points named in (1) above, to the origin points named in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 50069 (Sub-No. 444), filed May 24, 1971. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Cairo, Ohio, to points in Indiana. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 221), filed May 20, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above) and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers or converters of paper and paper products, and equipment, materials, and supplies*, between Columbus, Dayton, Urbana, Troy, and Franklin, Ohio, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that it could tack with various subs in MC 51146 and where feasible in lead docket. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 51146 (Sub-No. 222), filed May 20, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers of toys, from the township of Mosel and Sheboygan, Wis., to points in the United States (excluding Hawaii and Alaska); and (2) *equipment, materials, and supplies*, from the destination States named above to the township of Mosel and Sheboygan, Wis. NOTE: Applicant states that it could tack with various subs in MC 51146 and where feasible in lead docket. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 51146 (Sub-No. 223), filed May 26, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306, and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and products produced or distributed by manufacturers and converters of paper and paper products;* (1) from Plymouth, N.C., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Minnesota, and Wisconsin); (2) from points in Craven, Pamlico, and Jones Counties, N.C., to points in the United States (except Alaska and Hawaii); and *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named above, from points in the United States (except Alaska and Hawaii) to the origins named in (1) and (2) above. NOTE: Applicant states that it could tack with various subs in MC 51146 and where feasible in lead docket. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 66121 (Sub-No. 19), filed May 17, 1971. Applicant: INDIAN BOW TRUCK LINES, LTD., 103 Harvard Avenue, Smithtown, NY 11787. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers*, from Copiague and Deer Park, N.Y., to points in Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, Georgia, South Carolina, North Carolina, West Virginia, Texas, and Kansas and (2) *Refuse compactor systems and commodities* used in the manufacture and distribution of refuse compactor systems and refuse containers, between Copiague and Deer Park, N.Y., on the one hand, and, on the other, points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 66121 (Sub-No. 21), filed May 24, 1971. Applicant: INDIAN BOW TRUCK LINE, LTD., 103 Harvard Avenue, Smithtown, NY 11787. Applicant's

representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl and nylon impregnated forms, shapes and panels, and electrostatic coating equipment*, from Amityville, N.Y., to points in Louisiana, Alabama, Mississippi, Florida, Georgia, South Carolina, North Carolina, Kentucky, West Virginia, Tennessee, District of Columbia, Maryland, Delaware, Virginia, Pennsylvania, New Jersey, New York, Ohio, Illinois, Indiana, Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 69116 (Sub-No. 137), filed May 24, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Ann Arbor, Mich., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 293), filed May 20, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles; pipe and tubing, electrical conduit, plastic pipe and tubing, fittings and accessories*, from Contra Costa and Los Angeles Counties, Calif., to points in Arizona, Colorado, Idaho, Louisiana, Mississippi, Montana, New Mexico, Nevada, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 73165 (Sub-No. 294), filed May 20, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment*, and (2) *parts, attachments, and accessories* for the commodities described in (1) above, between points in Magoffin County, Ky., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 73165 (Sub-No. 295), filed May 21, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board and accessories and supplies* used in the installation thereof, from the plantsite of Temple Industries, Inc., at or near Diboll, Tex., to points in the United States (including Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 73165 (Sub-No. 296), filed May 21, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Diboll, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 82492 (Sub-No. 53), filed May 21, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Plymouth, Ind., and points in the Lower Peninsula of Michigan to points in Kansas and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 82492 (Sub-No. 54), filed May 21, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Indiana, Michigan, and Ohio, restricted to traffic originating at the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be invloved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 82492 (Sub-No. 55), filed May 21, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Wilson-Sinclair Co., at Monmouth, Ill., to points in Indiana, Michigan, and Ohio, restricted to traffic originating at the above-specified origins and destined to the named destination States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 89104 (Sub-No. 3), filed April 15, 1971. Applicant: LAVERNE D. WARTHAN, JR., doing business as WARTHAN TRUCKING, 137 Third Avenue SE., Oelwein, IA 50662. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, empty containers for malt beverages, under contract with Oelwein Bottling Work, Oelwein, Iowa; (1) between Oelwein, Iowa, and Omaha, Nebr.; (2) between Decorah, Iowa, and Omaha, Nebr., and (3) between Decorah, Iowa, and St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oelwein, West Union, or Waterloo, Iowa.

No. MC 94350 (Sub-No. 290), filed May 17, 1971. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, SC 29602. Applicant's representative:

Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, mounted on wheeled undercarriages, from points of manufacture in Moore County, N.C., to points in the United States east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 99623 (Sub-No. 2), filed May 24, 1971. Applicant: JAMES E. GRIFFIN & SONS, INC., 275 Circuit Street, Hanover, MA 02380. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby carriages, baby strollers, baby bouncers, baby walkers, portable cribs, portable play pens, and new furniture*, from points in Worcester County, Mass., to points in West Virginia; and points in Pennsylvania on and west of U.S. Highway 15, including Harrisburg, Pa. NOTE: Applicant states that the requested authority can be tacked with its presently held authority at Worcester County, Mass. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103993 (Sub-No. 637), filed May 20, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from points in Hampshire County, Mass., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 105457 (Sub-No. 72), filed May 20, 1971. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Post Office Box 10638, Charlotte, NC 28201. Applicant's representative: Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Synthetic fiber; synthetic fiber yarn; synthetic yarn; or yarn, made of synthetic fiber mixed with cotton, and textile warp beams*, between Front Royal, Va., and Knoxville, Tenn.: From Front Royal over Virginia Highway 55 to junction Interstate Highway 81, thence over Interstate Highway 81 and/or U.S. Highway 11 to 11W to Knoxville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. Applicant states it holds authority to operate between Front Royal, Va., and all points in Tennessee via Charlotte, N.C., in MC 105457 Subs 19 and 44. The purpose of this application is to remove the gateway point of Charlotte, N.C. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 106398 (Sub-No. 546), filed May 26, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Rockingham County, N.H., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Manchester or Portsmouth, N.H.

No. MC 107295 (Sub-No. 516), filed May 21, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox, and Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, facing, flooring, clay, or earthenware*, glazed or not glazed, with or without backing, from Franklin County, Ohio, to points in Illinois, Indiana, Michigan, Wisconsin, Arkansas, Iowa, Kentucky, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 517), filed May 21, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board and gypsum products, and materials* used in the installation thereof, except the transportation of the foregoing commodities in bulk, from the plantsite and warehouse facilities of The Celotex Corp. at Charleston, Ill., to points in the United States in and east of the States of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 107295 (Sub-No. 518), filed May 21, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood moulding*, from Bowling Green, Va., to points in Pennsylvania and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 519), filed May 24, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard or particle board, plywood or lauan, hardboard* and when shipped therewith *moldings and accessories*, from the plant and warehouse sites of Pan American Gyrotex Co., at Franklin Park and Chicago, Ill., to points in Georgia, Illinois, Michigan, Minnesota, Nebraska, North Carolina, North Dakota, South Carolina, South Dakota, Texas, Wisconsin and that part of Ohio on and west of Interstate Highway 71, and that part of Virginia on and south of U.S. Highway 460, and on and east of U.S. Highway 301, and Richmond, Va., commercial zone as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 520), filed May 24, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished and unfinished plywood panels*, from North Stratford, N.H., and Charlestown, Mass., to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 521), filed May 26, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduit and fittings, attachments, and accessories* (except in bulk), from Jefferson County, Ala., to

points in Florida, Georgia, South Carolina, North Carolina, Mississippi, Tennessee, Kentucky, Ohio, Indiana, New Jersey, Virginia, West Virginia, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 107295 (Sub-No. 522), filed May 26, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cabinets,* from Winchester, Va., to points in Illinois, Indiana, North Dakota, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 754), filed May 17, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Perishable chemicals,* in packages, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York, N.Y.

No. MC 107515 (Sub-No. 755), filed May 17, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Traverse City, Mich., to points in Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 108053 (Sub-No. 106), filed May 21, 1971. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Freemont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108207 (Sub-No. 317), filed May 20, 1971. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, TX 75202. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Gustine, Calif., to points in Arkansas, Louisiana, Oklahoma, Mississippi, and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Dallas, Tex.

No. MC 108722 (Sub-No. 5), filed May 12, 1971. Applicant: THEODORE MARABELLI AND JOSEPH M. MARABELLI, a partnership, Rural Delivery No. 2, Tunkhannock, PA 18657. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal;* (1) from points in Schuylkill County, Pa., to points in Chautauqua, Cattaraugus, Columbia, Erie, Greene, Wyoming, Genesee, Orleans, and Niagara Counties, N.Y.; and (2) from points in Lackawanna and Luzerne Counties, Pa., to Buffalo and Syracuse, N.Y., and other points in New York east of a line extending from the New York-Pennsylvania State line over New York Highway 12 to junction New York Highway 26, thence over New York Highway 26 to Antwerp, N.Y., thence over U.S. Highway 11 to junction New York Highway 87 to Ogdensburg, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 111375 (Sub-No. 49) (Correction), filed April 19, 1971, published in the FEDERAL REGISTER issue of May 13, 1971, and republished in part as corrected this issue. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 East Barnard Avenue, Cudahy, WI 53110. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL. NOTE: The sole purpose of this partial republication is to correct origin to Fort Madison, Iowa in lieu of Mount Madison, Iowa, which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 111545 (Sub-No. 159), filed May 26, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and equipment;* (2) *liquid cooling and vapor condensing systems and equipment;* (3) *environmental control and protective systems and equipment;* (4) *parts, equipment, materials, and supplies* for the commodities named in (1), (2), and (3) above; and (5) *machinery, equipment, and materials, and supplies* used in the construction, installation, operations and maintenance of the items named in (1), (2), and (3), between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Tulsa, Okla.; Kansas City, Mo.; or Denver, Colo.

No. MC 112822 (Sub-No. 199), filed May 20, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products,* in containers; (a) from Houston, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Wisconsin, and New Mexico; and (b) from Beaumont, Tex., to points in Arkansas, Kansas, Oklahoma, and New Mexico; and (2) *fertilizer and fertilizer materials, dry, insecticides, fungicides, and herbicides,* from points on the Arkansas-Verdigris River in Oklahoma to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Wisconsin, and Texas. NOTE: Applicant states that the requested authority can be tacked with its MC 112822, Sub Nos. 26, 42, 83–112 in the States of California, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Montana, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Houston, Tex.

No. MC 112822 (Sub-No. 200), filed May 26, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over

irregular routes, transporting: (1) *Paper and paper products,* from the plantsite and shipping facilities of U.S. Plywood-Champion Papers, Inc., at or near Asheville, Waynesville, and Canton, N.C.; Piqua and Hamilton, Ohio; Courtland, Ala.; and Houston, Tex.; to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of paper and paper products from points in the United States (except Alaska and Hawaii), to named origin points in part (1), restricted against traffic moving as bulk commodities. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 112822 (Sub-No. 201), filed May 26, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting. *Frozen foods, potatoes and potato products;* (1) from points in Idaho, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin; and (2) from points in Oregon and Washington, to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, New Mexico, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and, therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 113362 (Sub-No. 215), filed May 25, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer, and sound deadening compounds,* in packages or containers, except in bulk in tank vehicles, from Hancock County, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 216), filed May 26, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 25501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper articles,* from Pine Bluff, Ark., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota Wisconsin, and Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., Jacksonville, Fla., or Atlanta, Ga.

No. MC 114917 (Sub-No. 3), filed February 1, 1971. Applicant: DART TRANSPORTATION SERVICE, a corporation, 1430 South Eastman Avenue, Los Angeles, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Merchandise* as is dealt in by mail order and chain retail department business houses, from points in the Los Angeles commercial zone and the Los Angeles Harbor commercial zone, as these zones are defined in Los Angeles, Calif., commercial zones, 3 M.C.C. 248, to Antioch, Bakersfield, Berkeley, Concord, Emeryville, Eureka, Fresno, Hanford, Hayward, Marysville, Modesto, Mountain View, Oakland, Sacramento, Salinas, San Francisco, San Jose, San Mateo, San Leandro, Santa Rose, Stockton, Vallejo, Visalia, Walnut Creek, Willows, and Yuba City, Calif., which applicant is presently authorized to serve and the additional points of Merced, San Bruno, San Rafael, and Santa Cruz, Calif., under contract with Sears, Roebuck & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 115162 (Sub-No. 230), filed May 24, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board, and gypsum products, and materials* used in the installation thereof, from the plantsite and warehouse facilities of the Celotex Corp., at Charleston, Ill., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Birmingham, Ala.

No. MC 115840 (Sub-No. 66), filed May 18, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cast iron and brass valves and components thereof, cast iron fire hydrants, truck bodies, highway semitrailers, and can ends* (except in bulk) between points in Alabama, on the one hand, and, on the other, points in Texas. NOTE: Common control may be involved. Applicant states tacking is intended over Alabama, to points in Georgia, Florida, North Carolina, South Carolina, and Tennessee. If a hearing is deemed necessary, applicant does not specify time and place.

No. MC 116073 (Sub-No. 170), filed May 21, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings,* complete or in sections, from Schuylkill County, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117380 (Sub-No. 2), filed April 16, 1971. Applicant: ROBERT W. EWING AND REX C. EWING, JR., a partnership, doing business as EWING BROS. AUTO BODY, 1200 North A Street, Las Vegas, NE 89106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Replacement tractors and buses* to the scene of disabled vehicles, between points in Mojave County, Ariz., on the one hand, and, on the other points in that part of Nevada on and south of U.S. Highway 6; points in that part of Utah on U.S. Highway 89 between Salt Lake City, Utah, and junction U.S. Highway 6, near Spanish Ford, Utah, and, on, west, and south of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada State line; and points in that part of California on, east, and south of a line beginning at the California-Nevada State line and extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S.

Highway 395 to Mojave, Calif., thence along U.S. Highway 466 to Bakersfield, Calif., and thence along U.S. Highway 99 to Los Angeles, Calif., and on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 60 to Riverside, Calif., and thence along U.S. Highway 91 to the Pacific Ocean. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 117574 (Sub-No. 204), filed May 20, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between Hicksville, Ohio, and Blairsville, Pa., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the authority requested herein can be tacked with applicant's existing authority. It is not however, applicant's present intention to tack, therefore the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117693 (Sub-No. 10), filed April 14, 1971. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, NY 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream products*, in refrigerated vehicles, except commodities in bulk and in tank vehicles, from Scranton and Philadelphia, Pa., Laurel, Md., Newark, N.J., and Suffield, Conn., to points in those portions of Connecticut, Massachusetts, Vermont, New York, Pennsylvania, and New Jersey, bounded as follows: on the east, by a line beginning at New Milford, Conn., and extending northerly along U.S. Highway 7 to Bennington, Vt., thence along Vermont Highway 9 to the Vermont-New York State line, thence northerly along the Vermont-New York State line to its intersection with New York Highway 149; on the north, by a line beginning at the New York-Vermont State line and extending westerly along New York Highway 149 to junction New York Highway 196, thence along New York Highway 196 to Glen Falls, N.Y., thence along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 through Chestertown, N.Y., to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 12 at or near Alder Creek, N.Y., thence along New York Highway 12 to Lowville, N.Y., thence along New York Highway 177 to junction New York Highway 178, thence along New York Highway 178 to junction Interstate Highway 81 at or near Adams, N.Y., thence along Interstate Highway 81 to junction U.S. Highway 104 at or near Maple View, N.Y., thence along New York Highway 104 through Wolcott, N.Y., to junction New York Highway 14 at or near Alton, N.Y.;

On the west, by a line beginning at the said junction of New York Highways 104 and 14 and extending southerly along New York Highway 14 to Watkins Glen, N.Y., thence along New York Highway 414 to Corning, N.Y., thence along New York Highway 17 to Elmira, N.Y., thence along New York Highway 14 to the New York-Pennsylvania State line, and thence along Pennsylvania Highway 14 to Troy, Pa.; on the south, by a line beginning at Troy, Pa., and extending easterly along U.S. Highway 6 to Scranton, Pa., thence along Interstate Highway 81 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 202 (also along Interstate Highway 287) to the New Jersey-New York State line, thence continue along U.S. Highway 202 to Peekskill, N.Y., thence along U.S. Highway 6 to Brewster, N.Y., and thence along Interstate Highway 84 to the point of beginning at New Milford, Conn.; including points on the indicated portions of the highways specified; under contract with Simonson Bros. Ice Cream, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, Binghamton, Utica, or Syracuse, N.Y.

No. MC 117940 (Sub-No. 45), filed April 9, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *agricultural commodities*, the transportation of which would be otherwise exempt from economic regulations pursuant to section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with commodities subject to economic regulations, from New Orleans, La., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Shreveport, La. NOTE: Applicant also holds contract carrier authority under its No. MC 114789 Sub-1 and other subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117940 (Sub-No. 48), filed May 14, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, hide-a-beds, studio couches, bed frames, headboards, and roll-a-way cots*, from the plantsite or storage facilities of Simmons Co. at Kansas City, Kans., to St. Louis, Mo.; Omaha, Nebr.; Des Moines, Iowa, and Minneapolis and St. Paul, Minn. NOTE: Applicant holds contract carrier authority under MC 114789 and subs thereunder, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 118142 (Sub-No. 37), filed May 17, 1971. Applicant: M. BRUENGER CO., INC., 6330 North Broadway, Wichita, KS 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in California, restricted to traffic originating at the plantsite and storage facilities of Iowa Beef Processors, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118904 (Sub-No. 24), filed May 24, 1971. Applicant: MOBILE HOME EXPRESS, LTD., a corporation, 1915 F Avenue, Lawton, OK. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements, and (2) *building*, complete, knocked down, or in sections when moving from origins which are points of manufacture, from points in Logan County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its exising authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 119118 (Sub-No. 31), filed May 13, 1971. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., Post Office Box

388, Latrobe, PA 15650. Applicant's representative: Paul E. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by hardware stores, drug stores, and supermarkets, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at or destined to plantsites or shipping facilities of Action Industries and its affiliates or subsidiaries. NOTE: Applicant holds contract carrier authority under MC 116564 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119493 (Sub-No. 67) (Amendment), filed March 1, 1971, published in the FEDERAL REGISTER issue of April 8, 1971, and republished as amended this issue. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building materials, and supplies* manufactured by or distributed by roofing manufacturers or dealers (except liquefied commodities, in bulk, in tank vehicles, and except articles because of size or weight requiring special equipment), from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas; (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except liquid commodities, in bulk, in tank vehicles, and except articles because of size or weight requiring special equipment), from points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas to Kansas City, Mo.; and (3) *roofing asphalt*, in containers (except liquid, in bulk, in tank vehicles), from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas, and empty containers on return. NOTE: Applicant states that the request authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124073 (Sub-No. 5), filed May 20, 1971. Applicant: ROY S. SARGEANT, INC., Post Office Box 95, Vienna, NJ 07880. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Fish*, breaded and unbreaded, cooked and uncooked, when transported in the same vehicle with frozen or fresh meats or frozen poultry, prepared and unprepared, or frozen hors d'oeuvres, frozen prepared dough, frozen bakery products, or frozen whipped topping; (b) *frozen whipped topping*, from the plantsite of the Glidden-Durkee Division of SCM Corp. at or near Moosic, Pa., to Bridgeport, Danbury, Hamden, Hartford, Meriden, New Haven, Norwich, Stamford, Wallingtonford, Waterbury, Conn.; Boston, Fall River, Ludlow, Pittsfield, Southboro, Springfield, Worcester, Mass.; Hoboken, Newark, Paterson, N.J.; Manchester, Nashua, N.H.; Albany, Buffalo, Farmingdale, Floral Park, Huntington, Ithaca, Jamestown, Kingston, Milton, Mineola, Monticello, Newark, Newburgh, New York, Norwich, Olean, Rochester, Rome, Schenectady, Syracuse, Troy, Utica, N.Y.; Pawtucket, Providence, Woonsocket, R.I.; and Burlington, Vt.; (2) (a) *fish*, breaded and unbreaded, cooked and uncooked, when transported in the same vehicle with frozen or fresh meats, frozen poultry, prepared or unprepared, frozen hors d'oeuvres, frozen prepared dough or frozen bakery products or frozen whipped topping;

(b) *Frozen or fresh meat*, frozen poultry, prepared or unprepared, and frozen hors d'oeuvres, frozen prepared dough, frozen bakery products or frozen whipped topping, from the plantsite of Glidden-Durkee Division of SCM Corp. at or near Moosic, Pa., to Wethersfield, Conn.; Brighton, Brockton, Chicopee, Everett, Medford, Norton, Raynham, Watertown, Mass.; Poughkeepsie, N.Y.; and Tiverton, R.I.; (3) *frozen hors d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of Glidden-Durkee Division of SCM Corp. at Maplewood, N.J., to Boston, Mass.; (4) *charbroiled hamburger patties*, from Buffalo, N.Y., to the plantsite of Glidden-Durkee Division of SCM Corp. at Moosic, Pa., and its warehouse at Pittston, Pa.; (5) *frozen bread, frozen macaroni, and fish, frozen vegetables, chow mein*, from Boston, Mass., to the plantsite of the Glidden-Durkee Division of SCM Corp. at Moosic, Pa., and its warehouse at Pittston, Pa., under contract with Glidden-Durkee Division of SCM Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 124078 (Sub-No. 487), filed May 24, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solution*, in bulk, from points in Sumter County, Ga., to points in Alabama and Florida. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 125521 (Sub-No. 15), filed May 24, 1971. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages;* (1) from Milwaukee, Wis., to Sidney, Ohio; and (2) from Latrobe, Pa., to Sidney, Ohio, empty containers or other such incidental facilities used in transporting such commodities on return, under contract with Ace Wholesale Beverage Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Lansing or Detroit, Mich.

No. MC 127042 (Sub-No. 85), filed May 19, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51008. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin to Fort Madison, Iowa; and (2) *meats*, cooked, cured, or preserved, with or without vegetable, milk, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Missouri and Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr., or Minneapolis, Minn.

No. MC 127158 (Sub-No. 6), filed May 21, 1971. Applicant: LIQUID FOOD CARRIER, INC., 624 Knox Road, Post Office Box 10521, New Orleans, LA 70121. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Molasses,* in bulk, in tank vehicles, from Harvey, La., to Baerfield, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 127219 (Sub-No. 4), filed May 20, 1971. Applicant: KEREK AIR FREIGHT CORPORATION, Box 213, Route 230 Bypass and Glory Mill Road, Lancaster, PA 17604. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having a prior or subsequent movement by air; (a) between points in Lancaster, Lebanon, Dauphin, Cumberland, Berks, Northumberland, Schuylkill, and Montour Counties, Pa., on the one hand, and, on the other, Friendship International Airport, Anne Arundel County, Md., Washington National Airport, Gravelly Point, Va.; Dulles International Airport, Fairfax and Loudoun Counties, Va.; John F. Kennedy International Airport, New York, N.Y.; LaGuardia Airport, New York, N.Y.; and Newark Airport, Newark, N.J.; and

(2) Between the following airports: Friendship International Airport, Anne Arundel County, Md.; Washington National Airport, Gravelly Point, Va.; Dulles International Airport, Fairfax and Loudoun Counties, Va.; John F. Kennedy International Airport, New York, N.Y.; LaGuardia Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Lancaster Airport, Manheim Township, Lancaster County, Pa.; and Olmsted State Airport, Dauphin County, Pa. NOTE: Applicant states tacking possibilities with its authority in MC 127219 at any point in the counties of Lancaster, Dauphin, Cumberland, and Lebanon, Pa., so as to permit service from the John F. Kennedy International Airport, LaGuardia Airport, Newark Airport, Friendship International Airport, and Dulles International Airport to Philadelphia International Airport, which is also requested here as a separate grant and, accordingly, tacking would not be necessary. Tacking would also be possible at Dauphin County, Pa., so as to provide service to the additional Pennsylvania counties of York, Franklin, Adams, Centre, Clinton, Lackawanna, Lycoming, Mifflin, Perry, and Snyder. By virtue of tacking at Middletown in Dauphin County, service from the above-specified counties would be possible to all of the airports indicated. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 127361 (Sub-No. 7), filed May 24, 1971. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, WA 98902. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fiberboard containers and packing forms,* from Portland, Oreg., to points in Idaho, under contract with Container Corp. of America. NOTE: Applicant holds common carrier authority under MC 33919, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 127483 (Sub-No. 2), filed May 20, 1971. Applicant: ROEHM TRUCKING CO., a corporation, Rural Route No. 1, Willshire, OH. Applicant's representatives: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215, and Edwin H. Van Deusen (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, and fertilizer materials,* in bulk, in dump trucks, and in bags, from Piqua and Toledo, Ohio, to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128575 (Sub-No. 4), filed May 20, 1971. Applicant: GOLDEN WEST TRUCKING CO., a corporation, 12780 Southwest Prince Albert Street, Tigard, OR 97223. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Cowlitz, Clark, Skamania, and Klickitat Counties, Wash., to Portland, Oreg., under contract with Timber Structures, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128940 (Sub-No. 14), filed May 19, 1971. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Food products and preparations, advertising media, materials, equipment and supplies,* used or useful in the preparation and serving of foods in restaurants of commissaries, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Louisiana, Texas, Tennessee, Alabama, Mississippi, Arkansas, and Oklahoma, under contract with Fairfield Farm Kitchens, Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 14), filed May 20, 1971. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representatives: Louis C. Currier (same address as applicant) and J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Heating and air conditioning units,* from the plantsites and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., to points in Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *returned, refused or rejected shipments and materials, equipment,* and *supplies* used in the manufacture and distribution of heating and air conditioning units, from points in the above-named States to the plantsites and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif. Restriction: The operations are restricted against the transportation of commodities in bulk and of those commodities which because of their size or weight require the use of special equipment. All operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Fraser & Johnston Co., or San Lorenzo, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 129445 (Sub-No. 9), filed May 17, 1971. Applicant: DIXIE TRANSPORT CO. OF TEXAS, a corporation, Post Office Box 5447 (3840 I.S. 10, S), Beaumont, TX 77706. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer materials, and urea,* in bags, from Liberty, Tex., to points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 133977 (Sub-No. 6), filed May 17, 1971. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus,

OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Washington Court House, Ohio, on the one hand, and, on the other, points in Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 133848 (Sub-No. 2), filed May 19, 1971. Applicant: MITCHELL TRANSPORTATION, INC., 304 East Elm Street, Warren, AR 71671. Applicant's representative: J. G. Dial, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and storage facilities of Duraflake South, Inc., at or near Simsboro, La., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. Restricted to traffic originating at the named origin and destined to the named destination territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 134426 (Sub. No. 1) (Correction), filed April 23, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished as corrected this issue. Applicant: ROBERT E. McCORT, doing business as McCORT DRIVE-AWAY, 7032 Barkwood Drive, Jacksonville, FL 32211. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles and trailers*, other than new (used), between points in the United States on the one hand, and, on the other, points on and south of U.S. Highway 60 in Virginia, West Virginia, and Kentucky, and points east of the Mississippi River; and (2) *boat trailers*, from Jacksonville, Fla., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 134906 (Sub-No. 2), filed May 5, 1971. Applicant: CAPE AIR FREIGHT, INC., Post Office Box 905, Cape Girardeau, MO 63701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Outlaw Field, near Clarksville, Tenn., and points in Missouri, East St. Louis and Cairo, Ill., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states that it will tack the requested authority with MC 134906 where possible. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 135070 (Sub-No. 1), filed May 20, 1971. Applicant: JAY LINES, INC., Box 1644, 720 North Grand Avenue, Amarillo, TX 79105. Applicant's representative: Duane Acklie, 521 South 14th Street, Box 806, Lincoln, NE. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and warehouse facilities of Missouri Beef Packers, Inc., at or near Plainview, Tex., to Amarillo, Tex., on traffic having a subsequent movement by rail, in service auxiliary to and supplemental of rail service. NOTE: Applicant holds contract carrier authority under MC 134323 Sub 2, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 135332, filed February 10, 1971. Applicant: A–1 ASSOCIATES, 1818 Westlake North, Seattle, WA 98109. Applicant's representative: Donald H. Landis, 22821–107th Place SE., Kent, WA 98031. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, by the driveaway method, between Seattle, Wash., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135406 (Sub-No. 1), filed May 19, 1971. Applicant: LAMAR TRUCKING, INC., 19 Driscoll Street, Rockville, Centre, NY. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, minerals, mineral ores, pigments, and materials and supplies* used in the manufacture of paints, except commodities in bulk, between points within the commercial zone of the city of New York as defined by the Interstate Commerce Commission on the one hand, and, on the other, points in New York, New Jersey, and the city of Philadelphia, under contract with Smith Chemical & Color Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135457 (Sub-No. 2), filed May 24, 1971. Applicant: COMMERCIAL CARTAGE CO., a corporation, 3900 Reavis Barracks Road, St. Louis, MO 63125. Applicant's representative: Stanley M. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsites of Williams Bros. Pipe Line Co. at or near Palmyra, Columbia, and St. Charles, Mo., to Kansas City, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Tulsa, Okla.; or Washington, D.C.

No. MC 135530 (Correction), filed April 15, 1971, published in the FEDERAL REGISTER issue of May 13, 1971, at page 8846, and republished in part as corrected, this issue. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, MN 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. NOTE: The purpose of this partial republication is to reflect changes under the following: (1) Reflect electrical and *electronic* appliances, in lieu of electrical and electrical appliances: (1a) add the word "traversing" before the State of Kansas; (2a) reword to read: From points in the 18 destination States and traversing the traversal States and district named in (1a) above, on return; and amend said application to include a restriction against the transportation of commodities in bulk in tank vehicles. The rest of the application remains the same.

No. MC 135574, filed May 3, 1971. Applicant: PARKHURST MOTOR FREIGHT COMPANY, a corporation, Gallatin, Tenn. 37066. Applicant's representative: J. C. McMurtry, Guthrie Building, Gallatin, Tenn. 37066. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and the commodities requiring special equipment and refrigerated equipment), between Gallatin, Tenn., and Louisville, Ky., from Gallatin over Tennessee Highway 109–N to Tennessee-Kentucky State line, thence over Interstate Highway 65 (also over Tennessee Highway 31W) on those points not completed and converted into Interstate Highway 65, to Louisville, Ky., and return over the same routes serving the intermediate points of Portland and Mitchellville, Tenn., and serving Hartsville and Castalian Springs, Tenn., as off-route points on Tennessee Highway 25 from Gallatin, Tenn., to Hartsville, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville or Bowling Green, Ky.

No. MC 135592 (Sub-No. 2), filed May 24, 1971. Applicant: U & R EXPRESS, INC., Post Office Box 2369, White City, OR. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Siskiyou County, Calif.,

to points in Josephine, Jackson, Klamath, and Douglas Counties, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 135625 (Sub-No. 1), filed May 20, 1971. Applicant: LOUIS OFSHINSKY, 894 Boulevard, Bayonne, NJ 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ships stores, equipment, and supplies* (except commodities in bulk), for the account of L. F. Gaubert & Co., Inc., from Avenel, Bayonne, and Hamburg, N.J.; Albany, Chester, New York, and Rome, N.Y.; and Mechanicsburg, Pa., to Mobile and Montgomery, Ala., New Orleans, La., and Houston, Tex., under contract with L. F. Gaubert & Co. Inc., of New Orleans, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135626, filed May 17, 1971. Applicant: J. B. MEYERS, East Highway 190, Post Office Box 536, Copperas Cove, TX 76522. Applicant's representative: Charles W. Lynch, Post Office Drawer 31, Lampasas, TX 76550. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between Copperas Cove, Tex., on the one hand, and, on the other, points in Coryell, Lampasas, Burnet, Williamson, Bell, Falls, and McLennan Counties, Tex. Restriction: The authority sought above is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points applied for, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin, Waco, or Fort Worth, Tex.

No. MC 135628, filed May 20, 1971. Applicant: WILLIAM KAUTZ, doing business as KAUTZ AIR FREIGHT CO., Post Office Box 516, Geneva, IL 60134. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and requiring special equipment) having prior or subsequent transportation by air, between points located on and bounded by Illinois Highway 47 on the west, Illinois Highway 120 on the north, U.S. Highway 80 on the south, and Lake Michigan on the east. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135630, filed May 21, 1971. Applicant: EGGLESTON TOWING COMPANY, INC., 525 Third Avenue, Anchorage, AK 99501. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), between Iliamna, Newhalen, New Iliamna, Nondalton, and all points on and within 10 miles of unnumbered State Road running between Newhalen and Nondalton, in the State of Alaska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 135644, filed May 17, 1971. Applicant: SUNDERMAN TRANSFER, INC., Post Office Box 63, Windom, MN 56101. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Hides (except in tank vehicles), from Redwood Falls, Minn., to St. Louis, Mo.; Chicago, Ill.; and Detroit, Mich.; and (2) *animal and poultry feeds and feed ingredients* (except in tank vehicles), from St. Louis, Mo.; Chicago, Ill., and Milwaukee, Wis., to Redwood Falls and Minneapolis, Minn. NOTE: Applicant holds contract carrier authority under MC 125103 (Sub 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

MOTOR CARRIER OF PASSENGERS

No. MC 107 (Sub-No. 9), filed May 19, 1971. Applicant: BORO BUSSES COMPANY, 445 Shrewsbury Avenue, Shrewsbury, NJ 07701. Applicant's representative: William L. Russell, Jr., 73 Broad Street, Red Bank, NJ 07701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at points in Northampton and Lehigh Counties, Pa., and extending to Bowie, Laurel, and Pimlico Race Tracks, Md., and Delaware Race Track and Dover Race Track, Del., during racing seasons at the respective tracks. NOTE: If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

APPLICATION FOR BROKAGE LICENSE

No. MC 130147, filed May 19, 1971. Applicant: JOSEPH CAPAK, 17201 Miles Avenue, Cleveland, OH 44128. For a license (BMC-4) to engage in operations as a *broker* at Cleveland, Ohio, in arranging for the transportation in interstate or foreign commerce of *foodstuffs and food products*, from points in Ohio to points in the United States (except Hawaii and Alaska).

APPLICATION OF WATER CARRIER

No. W-1258 (T. L. HERBERT & SONS, INC., Common Carrier Application) filed June 2, 1971. Applicant: T. L. HERBERT & SONS., INC., 1136 Second Avenue North, Nashville, TN. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square Street, Washington, DC 20006. By application filed June 2, 1971, applicant seeks a Certificate as a *common carrier* by water in the transportation of *property generally*, serving all ports and points along the Cumberland River and Ohio River between Paducah, Ky., and Carthage, Tenn., which includes the principal ports as follows: Paducah, Grand Rivers, and Kuttawa, Ky.; Cumberland City, Clarksville, Ashland City, Nashville, Old Hickory, Gallatin, and Carthage, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8440 Filed 6-16-71;8:45 am]

ALTERMAN TRANSPORT LINES, INC., ET AL.

Assignment of Hearings

JUNE 14, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-107107 Sub 407, Alterman Transport Lines, Inc., assigned July 26, 1971, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC-133805 Sub 3, Lone Star Carriers, Inc., now assigned June 23, 1971, at Dallas, Tex., is postponed to July 7, 1971, at Dallas, Tex., same time and place.

MC 133777 Sub 4, Metal Carriers, Inc., assigned June 24, 1971, Dallas, Tex., canceled and reassigned to July 8, 1971, in Room 5A-15, 1100 Commerce Street, Dallas, TX.

MC 69512 Sub 8, Thunderbird Freight Lines, Inc., assigned for continued hearing July 12, 1971, in the New Mexico Motor Carriers Association Building, 1500 Hannett, NE., Albuquerque, NM.

MC 82030 Sub 4, Bivin Transfer Co., Inc., assigned July 26, 1971, in Room 903, Indiana Public Service Commission, State Office Building, Indianapolis, Ind.

MC 117765 Sub 115, Hahn Truck Line, Inc., now assigned July 13, 1971, at St. Louis, Mo., postponed indefinitely.

MC-F-10880, Reliable Truck Lines, Inc.—Purchase—Robert P. Coates, doing business as Coates Motor Express, and MC-128944 Sub 7, directly related, assigned July 19, 1971, in U.S. District Courtroom, Post Office Building, Huntsville, Ala.

MC 123048 Sub 149, Diamond Transportation System, Inc., dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8523 Filed 6-16-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42227—*Liquid caustic soda to Graniteville, S.C.* Filed by O. W. South, Jr., agent (No. A6262), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from specified points in West Virginia, to Graniteville, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 127 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C–611. Rates are published to become effective on July 10, 1971.

FSA No. 42228—*Chlorine to New Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A6263), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Brunswick, Ga., and Acme, N.C., to New Johnsonville, Tenn.

Grounds for relief—Market competition.

Tariffs—Supplements 39 and 209 to Southern Freight Association, Agent, tariffs ICC S–938 and S–517, respectively. Rates are published to become effective on July 22, 1971.

FSA No. 42229—*Ethylene glycols and diethylene glycol from Doe Run, Ky.* Filed by O. W. South, Jr., agent (No. A6264), for interested rail carriers. Rates on ethylene glycols and diethylene glycol, in tank carloads, as described in the application, from Doe Run, Ky., to Atlanta and Hapeville, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 60 to Southern Freight Association, agent, tariff ICC S–832. Rates are published to become effective on July 22, 1971.

FSA No. 42230—*Iron or steel articles from Trenton, Mich.* Filed by Southwestern Freight Bureau, agent (No. B–245), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Trenton, Mich., to points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 222 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on July 12, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–8524 Filed 6–16–71;8:51 am]

[No. 35203 (Sub-No. 6)]

INTRASTATE FREIGHT RATES AND CHARGES IN SOUTHERN STATES, 1969

Mississippi

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of June 1971.

It appearing, that by order dated December 24, 1969, in docket No. 35203, Intrastate Freight Rates and Charges, 1969, the Commission, Division 2, granted the petition filed December 12, 1969, of common carriers by railroad operating in the South, for an investigation pursuant to section 13 of the Interstate Commerce Act, into the matter of applying the general increases in interstate rates authorized by Ex Parte No. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, to the intrastate rates in certain States, and instituted an investigation;

It further appearing, that by order of April 15, 1970, in docket No. 35203 (Sub-No. 6), the proceeding relating to the intrastate rates within the State of Mississippi was referred to a hearing examiner for the submission of evidence under special procedure, and for oral hearing for cross-examination for evidence in opposition to cross-examination, and for other pertinent evidence the examiner might deem necessary; and that by order dated April 29, 1970, the order of April 15, 1970, designating special procedure was canceled, and hearing was indefinitely postponed;

It further appearing, that by an amendment to the petition filed April 26, 1971, under sections 13(3), 13(4), and 15a(2) of the act, the petitioning railroads in the State of Mississippi seek a prompt order removing alleged discrimination against and undue burden upon interstate commerce by authorizing an increase in intrastate rates and charges within Mississippi of the same amount as authorized by this Commission in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, 339 I.C.C. 125, in addition to those authorized in Ex Parte No. 262, Increased Freight Rates, 1969, supra, avering that unreasonable delays are being encountered by the petitioners in obtaining the increases in rates and charges on intrastate commerce, which this Commission authorized in rates and charges on interstate commerce in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 714 (under consideration by this Commission in Docket No. 35120, Mississippi Intrastate Rail Freight Rates and Charges, 1969), and in Ex Parte No. 262, Increased Freight Rates, 1969, supra, and that it would be unfair to expect either the petitioners or their patrons to seek the increases in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, supra, by applying to the State;

It further appearing, that by motion filed April 26, 1971, the petitioners move to have the proceeding assigned for an immediate investigation, hearing, and order removing the alleged discriminations against and undue burden upon interstate commerce caused by the failure of existing intrastate rates to include the increases sought in the amended petition;

It further appearing, that petitioners allege that increased expenses and expected revenue relied upon in the above cited and prior increase proceedings reflected both interstate and intrastate traffic; that the interstate rates and charges, as increased, on shipments between points in Mississippi and points in other States are just and reasonable; that the conditions incident to the intrastate transportation of rail traffic in the State of Mississippi are not more favorable than those incident to interstate transportation from, to, or through the State of Mississippi; that the establishment of the increases in the intrastate rates and charges will not result in unreasonable rates and charges, or in rates and charges that are unreasonable in relation to interstate rates and charges; and that the present Mississippi intrastate rates and charges are below cost, fail to produce earnings sufficient to enable petitioners to obtain earnings sufficient to meet increased costs, avoid deterioration, and enable the railroads to provide adequate and efficient service;

It further appearing, that it is alleged that a burden is thus cast upon interstate commerce, causing unjust discrimination against interstate commerce, and that undue and unreasonable advantage and preference is given to intrastate shippers, and that interstate shippers of the same commodities are subjected to undue and unreasonable prejudice and disadvantage;

And it further appearing, that the amended petition sets forth matters sufficient to institute an investigation into the intrastate freight rates and charges made or imposed by the State of Mississippi; that under the proviso of section 13(4) of the act this Commission must forthwith institute an investigation into the lawfulness of such rates and charges (whether or not theretofore considered by any State agency or authority and without regard to the pendency before such State agency or authority of any proceeding relating thereto) and shall give special expedition to the hearing and decision therein;

Wherefore, and good cause appearing therefor:

It is ordered, That the amended petition and motion be, and they are hereby, granted to the extent that the investigation instituted by order of the Commission, Division 2, on December 24, 1969, be, and it is hereby broadened to investigate whether the said rates and charges of the carriers by railroad, or any of them, operating in the State of Mississippi for the intrastate transportation

of property, made or imposed by authority of the State of Mississippi, cause or will cause, by reason of the failure of said rates and charges to include increases corresponding to those permitted by this Commission for interstate transportation in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, supra, in addition to that authorized in Ex Parte No. 262, Increased Freight Rates, 1969, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against or undue burden upon interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That disposition of requests for other action sought in the amended petition and motion be held in abeyance pending further order of the Commission.

It is further ordered, That notice of the pendency of the broadened issues included in the investigation be given to the general public by depositing a copy of this order in the office of the Commission's Secretary in Washington, D.C., by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER, and by serving a copy upon each of the said petitioners, and the additional parties shown in Appendix C to the order of April 15, 1970, and that the State of Mississippi be notified by sending copies of this order and of the amended petition and motion by certified mail to the Governor of Mississippi at Jackson, Miss., and to the Mississippi Public Service Commission at Jackson, Miss.

It is further ordered, That all persons, other than those who have already notified the Commission, who wish actively to participate in this proceeding, and to file and receive copies of pleadings, shall make known that fact by notifying the Commission on or before July 8, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That, as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons (as supplemented by those parties who give notice of their desire to participate under the provisions of this order) upon whom service must be made. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices and orders entered herein will be served solely on persons responding to this order or who had previously indicated a desire to participate.

And it is further ordered, That this proceeding be assigned for hearing at a time and place to be hereafter fixed.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-8528 Filed 6-16-71;8:51 am]

[Notice 313]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 14, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30092 (Sub-No. 20 TA), filed June 4, 1971. Applicant: HERRETT TRUCKING COMPANY, INC., Post Office Box 539, Highway 12 and Factory Road, Sunnyside, WA 98944. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, 806 Southwest Broadway, Portland, OR 97205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses* as set forth in sections A, B, and C of appendix 1 to the Commission's decision in *Descriptions in Motor Carrier Certificates* Ex Parte No. MC-45, between ports of entry on the boundary between the United States and Canada in Washington, Idaho, Montana, North Dakota, and Minnesota, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wisconsin, for 180 days. NOTE: The applicant proposes to use the authority sought above to provide through-trailer service to and from actual origins and destinations in the Dominion of Canada. Supporting shipper: Burns Foods Ltd., Post Office Box 1300, Calgary 2, AB, Canada. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 73165 (Sub-No. 297 TA), filed June 6, 1971. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 11086, 830 North 33d Street, Birmingham, AL 35202. Applicant's representative: R. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum tubing,* from the plantsite of Gay Products, Inc., Nacogdoches, Tex., to Largo, Fla., and Louisburg, N.C., for 180 days. Supporting shipper: Gay Products, Inc., Post Office Box 899, Clearwater, FL 33157, Attention: Jay D. Browder, Purchasing Agent. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107575 (Sub-No. 756 TA), filed June 7, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Madison, Wis., to points in Virginia and West Virginia, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, WI 53701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 112520 (Sub-No. 243 TA), filed June 4, 1971. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid,* in bulk, in tank vehicles, from points in Crisp and Effingham Counties, Ga., to points in North Carolina, South Carolina, Virginia, and Tennessee east of U.S. Highway 27, for 180 days. Supporting shipper: Thomason-Hayward Chemical Co., 5200 Speaker Road, Kansas City, KS 66110 (Post Office Box 2383). Send protests to: District

Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112822 (Sub-No. 203 TA), filed June 4, 1971. Applicant: BRAY LINES CORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from points in Umatilla County, Oreg., and Grant, Benton, Franklin, and Walla Walla Counties, Wash., to points in Alabama, Florida, and Georgia; (2) from points in Ada and Power Counties, Idaho, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, and Tennessee, for 180 days. Supporting shipper: D. J. Osbjornson, Director Physical Distribution, Lamb-Weston, Inc. 6600 Southwest Hampton Street, Post Office Box 23507, Portland, OR 97223. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113908 (Sub-No. 214 TA), filed June 4, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral spirits*, in bulk, in tank vehicles, from Louisville and Bardstown, Ky., and Atchison, Kans., to Helena, Mont., for 180 days. Supporting shipper: Alpha Industries, Inc., 740 Front Street, Helena, MT 59601. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115331 (Sub-No. 313 TA), filed June 7, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tetrabromobisphenol-A* dry, in bulk, from the facilities of Great Lakes Chemical Corp., at or near El Dorado, Ark., to the facilities of General Electric Co. at or near Mount Vernon, Ind., for 180 days. Supporting shipper: General Electric Co., Highway 69 South, Mount Vernon, IN 47620. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 116077 (Sub-No. 312 TA), filed June 7, 1971. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, TX 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite and/or storage facilities of Georgia-Pacific Corp., at or near Plaquemine, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, Ohio, South Carolina, and Texas. Restriction: Restricted to traffic originating at the above-described origin and destined to the above-described destinations, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Georgia-Pacific Corp. (Mr. Roger M. Feig, Traffic Manager), Post Office Box 629, Plaquemine, LA 70784. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 116763 (Sub-No. 194 TA), filed June 6, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and flavored beverages*, except in bulk, in tank vehicles, from and originating at the plantsite and storage facilities of Kraft Foods, Division of Kraftco Corp. at or near Champaign, Ill., to Akron, Ashtabula, Bedford Heights, Bellfontaine, Canton, Cincinnati, Cleveland, Columbus, Dayton, Dennison, Maple Heights, Massillon, Solon, Warrensville Heights, West Carrollton, Woodlawn, Xenia, and Youngstown, Ohio; and Huntington, W. Va., for 180 days. Supporting shipper: Kraft Foods, Division of Kraftco Corp., 505 North Sacramento Boulevard, Chicago, IL 60612. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 117799 (Sub-No. 13 TA), filed June 6, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsoir Boulevard, Room 210, Minneapolis, MN 55416. Applicant's representative: Patrick M. Porritt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, fresh canned and frozen (except commodities in bulk), from Kennett Square, Pa., to points in California and Colorado, for 150 days. Supporting shipper: Kennett Canning Co., Kennett Square, Pa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 123156 (Sub-No. 3 TA), filed June 3, 1971. Applicant: RAND'S TRANSPORT, INC., Post Office Box 96, Linthicum, MD 21090. Applicant's representative: Walter T. Evans, 615 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, and medium fuel*, in bulk, in tank vehicles, from the pipeline terminal of B. P. Oil Co. at Finksburg, Md., to Gettysburg, Pa., and points within the Gettysburg commercial zone, restricted to transportation service to be performed, under a continuing contract or contracts with Langdon Oil Co., Inc., for 180 days. Supporting shippers: Mr. Toby Thomas, B. P. Oil Co., 1073 Guild Hall Building, Cleveland, Ohio; James R. Langdon, Langdon Oil Co., 6 East George Street, Westminster, MD 21157. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 124069 (Sub-No. 12 TA), filed June 6, 1971. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, NY 14218. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence River, to points in Albany, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Rensselaer, Saratoga, Schenectady, Washington, Warren, and St. Lawrence Counties, N.Y., and refused, rejected, and returned shipments in the reverse direction, for 150 days. Supporting shipper: Lake Ontario Cement Corp., Picton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, Buffalo, N.Y. 14203.

No. MC 129397 (Sub-No. 2 TA), filed June 6, 1971. Applicant: WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., Post Office Box 6173, 4833 Lower Buckeye Road, Phoenix, AZ 85005. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat product, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facility of Swift Fresh Meats Co. at Tolleson, Ariz., to points in Arkansas, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Swift Fresh Meats Co., a division of Swift & Co., 115 Jackson Boulevard, Chicago, IL 60604. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 133966 (Sub-No. 9 TA), filed June 4, 1971. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61,

Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular housing units* on shipper-owned, flat-bed semitrailers equipped with pintel hood-type connecting devices, and *component parts thereof*, from the plantsite of Hercoform Inc., subsidiary of Hercules Inc., Columbia County, Pa., to Macon, Ga., and Kalamazoo, Mich., for 150 days. Supporting shipper: Hercules Inc., Wilmington, Del. 19899. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134610 (Sub-No. 3 TA), filed June 4, 1971. Applicant: JACK R. CLARK, doing business as CLARK TRUCKING SERVICE, Post Office Box 118, Niota, TN 37826. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint and groundwood paper*, from plantsite of Bowaters Southern Paper Corp., at Calhoun, Tenn., to points in Georgia, for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. 37309. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 135152 (Sub-No. 3 TA), filed June 7, 1971. Applicant: CASKET DISTRIBUTORS, INC., Mailing, Rural Route No. 2, Office, West Harrison, IN 45030. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets in mixed loads with uncrated caskets;* (1) from points in Calhoun County, Ala., to points in South Carolina, Georgia, Tennessee, Arizona, California, Utah, Wisconsin, and Mississippi; (2) from points in Columbus, Ohio, and Falls City, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming; and (3) from points in Burlington, N.C., and Syracuse, N.Y., to points in Chattanooga, and Memphis, Tenn.; Little Rock, Ark.; Fort Worth and Dallas, Tex.; Oklahoma City, Okla.; Omaha, Nebr.; Denver, Colo.; and Everett, Wash.; for 180 days. Supporting shippers: Wallace Metal Products, Inc., Richmond, Ind.; The Belmont Casket Manufacturing Co., Columbus, Ohio; Marsellus Casket Co., Syracuse, N.Y. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135381 (Sub-No. 1 TA), filed June 4, 1971. Applicant: DRUM TRANSPORTATION COMPANY, Rural Delivery No. 1, Montgomery, PA 17752. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, posts, pilings, timbers, ties, and cross arms, and laminated wooden beams*, between the plantsites of Southern Wood Piedmont Co., at or near Baldwin, Fla.; Augusta, Macon, East Point, and Waycross, Ga.; Spartansburg, S.C.; Wilmington and Gulf, N.C.; and Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Kentucky, Massachusetts, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia, for 180 days. Supporting shipper: Southern Wood Piedmont Co., Post Office Box 90908, Atlanta, GA 30344. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135658 TA, filed June 4, 1971. Applicant: ROBERT W. DOBRINSKE, doing business as DOBRINSKE TRUCK SERVICE, 513 13th Avenue, Rock Falls, IL 61071. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and industrial chains and auger flighting*, from Fulton, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, and Wisconsin, for the account of Drives, Inc., Fulton, Ill., for 180 days. Supporting shipper: Vernon Paul, Production Manager, Drives, Inc., 901 19th Avenue, Fulton, IL 61252. Send protests to: Andrew J. Montgomery, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135660 TA, filed June 4, 1971. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. 1, Box 111, Butler, MO 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl, and accessories used in the installation of such products*, from Linn Creek, Mo., to points in Texas, Kansas, Oklahoma, Arkansas, Illinois, Minnesota, Iowa, Nebraska, Tennessee, Louisiana, and Mississippi; (2) *materials and supplies*, used in the manufacture of (1) above, from Ottawa, Ill., Parkersburg, W. Va., and Kansas City, Kans.-Mo., to Linn Creek, Mo., for 180 days. Supporting shipper: Central Missouri Pipe Co., Post Office Box 75, Linn Creek, MO 65052. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

MOTOR CARRIER OF PASSENGERS

No. MC 82007 (Sub-No. 4 TA), filed June 4, 1971. Applicant: SAMUEL COOPER GREEG, Yorklyn, Del. 19736. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger and their baggage*, in charter service, from West Chester, Pa., to points in New Jersey, Delaware, Maryland, Virginia, New York, and Washington, D.C., and return, for 180 days. Supported by: Aero Club of Chester County, West Chester, Pa.; Daily Local News Co., West Chester, Pa.; Johnson Tours, West Chester, Pa.; Rice's Temple A.I.M.P. Church, West Chester, Pa.; Athletic Department, West Chester State College, West Chester, Pa. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8522 Filed 6-16-71;8:50 am]

[Notice 702]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72438. By order of June 8, 1971, the Motor Carrier Board approved the transfer to Frontier Distribution Line, Inc., Buffalo, N.Y., of the operating rights in certificate No. MC-119449 issued October 11, 1966, to Anthony H. Santiago, doing business as Bison City Cartage Co., Buffalo, N.Y., authorizing the transportation of specified commodities from Buffalo, N.Y. to specified points and areas in New York and Pennsylvania. Robert D. Gunderman, 43 Niagara Street, Buffalo, NY 14202, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8525 Filed 6-16-71;8:51 am]

[Notice 702-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72693. By order of June 8, 1971, Division 3, acting as an Appellate Division, approved the transfer to Leesyl Transport, Inc., Kettering, Ohio, of that portion of the operating rights in permit No. MC-87720 (Sub-No. 83) and the operating rights in permit No. MC-87720 (Sub-No. 66) issued August 24, 1970, and January 14, 1969, respectively to Bass Transportation Co., Inc., Flemington, N.J., authorizing the transportation of specified commodities between specified points in Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia; and between points in Essex, Union, Hudson, Bergen, Passaic, and Middlesex Counties, N.J., on the one hand, and, on the other, points in Maryland, a described area of Pennsylvania, and the District of Columbia; and between points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Monmouth, Morris, Somerset, Mercer, Hunterdon, Warren, and Sussex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York, for the account of A. Schulman, Inc. Bert Collins, 140 Cedar Street, New York, NY 10006, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8526 Filed 6-16-71;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

PROCLAMATIONS:
4057 — 10769
4058 — 10839
4059 — 11077

EXECUTIVE ORDERS:
May 27, 1913 (revoked in part by PLO 5064) — 11098
11513 (amended by EO 11597) — 11501
11596 — 11079
11597 — 11501

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Reorganization Plan No. 1 of 1971 — 11181

5 CFR

213 — 10771, 10948, 11081, 11270-11271, 11633

7 CFR

51 — 10771
55 — 10937
56 — 10937
59 — 10841
70 — 10937
215 — 10937
225 — 11633
719 — 11271
722 — 10772
725 — 10772, 11559
730 — 11633
760 — 11279
777 — 11019
905 — 11281, 11561
908 — 10721, 10733, 11019, 11205, 11509, 11633
910 — 10773, 10937, 11019, 11421, 11509
911 — 10721
915 — 11509
916 — 11206
919 — 11206
923 — 11020
944 — 10774
953 — 10841
959 — 10938
1090 — 10775

7 CFR—Continued

PROPOSED RULES—Continued
1098 — 10775, 11511
1103 — 10775, 11511
1104 — 10775, 11511
1106 — 10775, 11511
1421 — 10777, 11081
1464 — 11634
1488 — 11081

PROPOSED RULES:
201 — 11451
909 — 11103
911 — 11655
915 — 11043
917 — 10979, 11103
921 — 11104
944 — 10740
999 — 11519
1030 — 11352
1032 — 11352
1040 — 11455
1046 — 11352
1049 — 11352
1050 — 11352
1062 — 11352
1063 — 11211
1070 — 11211
1078 — 11211
1079 — 10879, 11211
1094 — 10980
1099 — 11352
1125 — 11655
1136 — 11104

8 CFR

103 — 11634
204 — 11635
212 — 11635
214 — 11635
238 — 11636
242 — 11636
245 — 11636
299 — 11636
316a — 11636
336 — 11636
343b — 11636
499 — 11637

8 CFR—Continued

PROPOSED RULES:
211 — 11296
242 — 11296

9 CFR

74 — 10841
76 — 10842, 10843, 11020, 11421, 11422, 11508, 11589, 11637, 11638
79 — 10844
310 — 11639
314 — 11639
318 — 11639
325 — 11639

10 CFR

1 — 11589
40 — 10938
50 — 11423
115 — 11423
150 — 10938

PROPOSED RULES:
50 — 11113

12 CFR

222 — 10777, 10778
265 — 10778, 10779
505 — 11185
527 — 11596
541 — 10722, 11281
545 — 10722, 10723, 11281
556 — 10723
561 — 10724
563 — 10724, 10939, 11428
564 — 11512
582 — 10725
582b — 10725
672 — 11428
673 — 11428
741 — 10844
748 — 10940, 11512

PROPOSED RULES:
703 — 11672
741 — 11603

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

	Page
5062	11097
5063	11098
5064	11098
5065	11098
5066	11098
5067	11098
5068	11099

45 CFR

	Page
117	11200
120	10951
206	10783

46 CFR

	Page
11	11653
251	11033, 11099
381	10739
531	11439

PROPOSED RULES:

	Page
146	11302
512	10985

47 CFR

	Page
0	11440
2	11587
21	11144
73	10784
74	10876, 11587
83	11440
87	11587
89	11587
91	11588
93	11588

PROPOSED RULES:

	Page
13	11225
25	10806
73	10741, 10806, 11225
83	10807

49 CFR

	Page
172	10732
173	10732, 10952
176	10733
177	10784
178	10733, 10785
179	10733
391	11205
571	10733, 10736, 11508

49 CFR—Continued

	Page
1002	11293
1033	10785

PROPOSED RULES:

	Page
171	11304
172	11304
173	10882, 11224, 11304, 11670
174	11304
175	11304
177	10882, 11304
178	10882, 11224, 11524, 11670
192	10885
228	11303
391	11223
393	11046
395	10802
Ch. X	10741, 10742
1056	11671
1100	10808
1332	10886

50 CFR

	Page
32	11099
253	10736
254	10737
280	11441

LIST OF FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*
10715–10762	June 2	11175–11261	10
10763–10832	3	11263–11413	11
10833–10929	4	11415–11494	12
10931–11011	5	11495–11551	15
11013–11070	8	11553–11625	16
11071–11173	9	11627–11704	17